

(2015) 03 NCDRC CK 0135

In the National Consumer Disputes Redressal Commission

Estae Officer, Punjab Urban And Development Authority
Patiala

APPELLANT

Vs

Suriner Kamboj And Company

RESPONDENT

Date of Decision : 02-03-2015

Acts Referred:

Citation : (2015) 03 NCDRC CK 0135

Hon'ble Judges : J.M.MALIK J.

Final Decision : Petition dismissed

Judgement

1. LEARNED counsel for the petitioner present. Arguments heard.
2. THERE is delay of 439 days in filing the revision petition. The petitioner has filed an application for condonation of delay in filing the revision petition. The delay is explained in paras 2, 3 and 3, which are reproduced as under: "2. That the petitioner after pronouncing of order passed took an opinion from the panel counsel who opined that it is not the fit case for filing revision petition without considering the fact that the defaulter is the respondent who did not made the payment to the appellants. 3. That thereafter the department did not take any action and decided to implement the order passed by the State Commission, but the Chief Administrator and the other officials after scrutinizing the matter took the decision to file revision before this Hon''ble Commission as the default of the Respondent can be apprised before this Hon''ble Commission, and then the file was examined again. 3. That there is a delay of ____ days in filing the above said petition. It is submitted that the delay caused is neither intentional nor deliberate but it is on account of the departmental, administrative procedures involved for filing the Revision Petition. It is submitted that unlike the private litigant the matters relating to the Government are required to be considered at various levels. Therefore, in the interest of justice the petitioner is praying to this Hon''ble Court by considering the departmental and administrative procedures and the fact of default of the respondent the delay in filing revision petition may be condoned."

3. THERE is inordinate delay in filing the present revision petition i.e. more than a year and two months. The petitioner has given lame excuses in the application for condonation of delay. It is well settled that correspondence and letters do not extend the time. In *State of Tripura and others vs. Arabinda Chakraborty and Ors.*, 2014 6 SCC 460 it was held that in case of statutory appeal, the period of limitation commences from the date when the statutory appeal was decided. Simply by making representation in absence of any statutory provision, the period of limitation would not get extended. Again, day -to -day delay was not explained. There must be sufficient ground for condonation of delay. Learned counsel for the petitioner has invited my attention towards the judgment in *Santosh Goyal vs. Union of India and Ors.*, Petition(s) for Special Leave to Appeal (civil) No. 12199 of 2013, decided on 6.1.2014. In that case, the Apex Court condoned that delay and directed the District Forum for suo motu exercising power under Proviso to Section 24A(2) of the Consumer Protection Act, 1986 because there was delay of 9 days. That authority is not applicable to this case. In that case, there was delay of only 9 days but in this case, there is huge delay of 435 days. The discretion cannot be utilized in favour of the petitioner.

4. SUCH like story can be created at any time. The case is hopelessly barred by time and this view is supported by the Apex court's authority in *Anshul Aggarwal v. New Okhla Industrial Development Authority*, 2011 4 CPJ 63 (SC), held that "It is also apposite to observe that while deciding an application filed in such cases for condonation of delay, the Court has to keep in mind that the special period of limitation has been prescribed under the Consumer Protection Act, 1986 for filing appeals and revisions in consumer matters and the object of expeditious adjudication of the consumer disputes will get defeated if this Court was to entertain highly belated petitions filed against the orders of the Consumer Foras". In this case, the delay of 150 days was not condoned.

5. SIMILAR view was taken in *R.B. Ramlingam v. R.B. Bhavaneshwari*, 2009 2 Scale 108; *Ram Lal and Others v. Rewa Coalfields Ltd.*, 1962 AIR(SC) 361 and *Bikram Dass Vs. Financial Commissioner and others*, 1977 AIR(SC) 2221 and *Office of the Chief Post Master General and Ors. Vs. Living Media India Ltd. and Anr.*, 2012 STPL(Web) 132 (SC). 7. The Apex Court in a recent case i.e. *Sanjay Sidgonda Patil vs. Branch Manager, National Insu. Co. Ltd. and Anr.*, Special Leave to Appeal (Civil) No. 37183 of 2013 decided on 17.12.2013, confirmed the order of the National Commission and refused to condone the delay of 13 days. Likewise, delay of 78 days was not condoned by the Apex Court in the case of *M/ s Ambadi Enterprise Ltd. vs. Smt. Rajalakshmi Subramanian* in SLP No. 19896 of 2013 decided on 12.7.2013. Again delay of 77 days was not condoned in case of *Chief Off. Nagpur Hous. and Area Dev. Boa and Anr. vs. Gopinath Kawadu Bhagat*, SLP No. 33792 of

6. IN a very recent authority titled as "*Munish Singhal vs. Sangeeta Dixit and Others*, Petition(s) for Special Leave to Appeal (c) No. 24872 of 2014, decided on 22.9.2014," Hon''ble Apex Court's Bench consisting of Hon''ble Mr. Justice V.

Gopala Gowda and Hon''ble Mr. Justice Adarsh Kumar Goel, has not condoned the delay of 15 months.

7. THE application for condonation of delay is dismissed.

8. THE revision petition is dismissed as barred by limitation.