
(1994) 02 NCDRC CK 0091

In the National Consumer Disputes Redressal Commission

GENERAL MANAGER, DEPTT. OF TELECOM, PANAJI

APPELLANT

Vs

ZAHEDA SHAIK NABI, VASCO

RESPONDENT

Date of Decision : 02-02-1994

Acts Referred:

Citation : 1994 2 CPJ 196

Hon'ble Judges : G.G.Loney , Atanasio Monteiro , Subhalakshimi Naik J.

Final Decision : Appeal dismissed

Judgement

1. THIS order shall dispose of the application for condonation of delay dated 12.11.1993 filed by the appellants.

2. IN the application for delay, the Appellants stated that the District Forum passed its order on 10.9.1993 in 68 of 1993 and the same was communicated to Appellant No. 2 on 18.9.1993. The said order was forwarded by the Appellant No. 2 to Appellant No. 3 by post by letter dated 27.9.1993 and the same was received by the Appellant No.3 on 19.10.1993. The Appellants further submitted that after placing the case before higher authorities, it was decided to challenge the order before this Commission. That the concerned file was sent to Advocate on 27.10.1993 for preferring appeal and the Advocate spent 16 days to consult the concerned officers of the Telephone Department. According to the Appellant, although there is a delay of 32 days in filing this Appeal, the above constituted good and sufficient cause in condoning the delay. 2. The respondent filed her reply, dated 8.12.1993 stating therein that no sufficient cause was shown in condoning the delay in filing this Appeal and that the behavior on the part of the Appellants in not filing this Appeal in time shows negligence on the part of the Appellants. We heard Mr. Shashikant Joshi, learned Advocate for the Appellants and the respondent in person.

Mr. S. Joshi, learned Advocate for the Appellants, submitted before us that the Appellants being Government Departments, the delay caused in filing this Appeal should be condoned.

3. AS per Section 15 of the Consumer Protection Act, 1986 an Appeal to the State Commission against the order of the District Forum should be filed within a period of 30 days from the date of the order. Proviso to the said Section says "Provided the State Commission may entertain an appeal after the expiry of the said period of 30 days if it is satisfied that there was sufficient cause for not filing it within that period. Admittedly, the order in this case was passed by the District Forum on 10.9.1993 and the same was communicated to the Appellants on 18.9.1993. According to the Appellants the file has to go from one department to another and to Advocate for deciding as to whether an appeal should be filed and for preferring the appeal. The said procedure, according to us, does not require such a long time, and the grounds placed before us for condoning the delay in riling this appeal, on the contrary, show totally negligence on the part of the appellants and the Appellants have to suffer for their own negligence. We do not find any weight in the submission of Shri S. Joshi, learned Advocate for the Appellants, that the Appellants being Government Departments should be shown leniency in this case. It has been held by Supreme Court (AIR 1972 SC 749) that expression sufficient cause should not be construed too liberally because the party is Government. It was also held in State of Jammu & Kashmir v. Ram Kali by Jammu & Kashmir High Court (AIR 1987 J & K 71) that "no exception is made for the Government in the matter of condo nation of delay under Sec. 5; The expression "sufficient cause" cannot be construed liberally merely because the defaulting party is the Government...."

4. WE do agree with the respondent that no sufficient cause has been shown by the Appellants in condoning the delay, in filing this appeal. Accordingly, we pass the following order : ORDER The application for condonation of delay, dated 12.11.1993, filed by the Appellants stands dismissed with costs of Rs. 200/- to be paid by the Appellants to respondent. Consequently, the Appeal No.109/1993 also stands dismissed. Appeal dismissed.