

(2013) 09 NCDRC CK 0058

In the National Consumer Disputes Redressal Commission

Gopinath Nagar

APPELLANT

Vs

NANDAN

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Citation : 2013 0 NCDRC 666 : 2013 4 CPR 270

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Advocate : ARVIND S.AVHAD

Judgement

1. THIS revision petition has been filed by the petitioner/Complainant against the order dated 28.07.2011 passed by the Maharashtra State Consumer Disputes Redressal Commission, Mumbai, (in short, "the State Commission ") in Appeal No. A/11/574 - Gopinath Nagar Vs. M/s. Nandan Builders & Ors. by which, appeal filed by the complainant was dismissed at admission stage.

2. BRIEF facts of the case are that complainant/petitioner filed complaint before District Forum and prayed for direction to the OP/respondent to execute Deed of Convenience in favour of the Complainant no.1/Society and further direction to OPs to complete the incomplete work and further prayed for compensation along with interest. Learned District Forum partly allowed the complaint and directed OP to execute Conveyance Deed, but did not grant other reliefs against which, appeal filed by the complainant/petitioner was not admitted against which, this revision petition has been filed along with application for condonation of delay. Heard learned Counsel for the petitioner at admission stage and perused record.

3. LEARNED Counsel for the petitioner submitted that on account of financial crunch, revision petition could not be filed in time; hence, delay in filing revision petition be condoned.

4. IN the application for condonation of delay, period of delay to be condoned has not been mentioned, but as per office report, there is delay of 372 days in filing revision petition. Paragraph 2 of the application for condonation of delay runs as under: "2. The petitioner states that the petitioner is a co-operative society and

due to monetary difficulty petitioner could not file the present revision petition in this Hon "ble Commission well within time. As such, there is a delay caused in filing the present revision petition, which may kindly be condoned in the interest of justice ".

The only ground for condonation of delay is that due to monetary difficulty revision petition could not be filed in time. Apparently, this is no ground for condonation of delay. Even petitioner has not shown how much fund was required to file revision petition. Not only this, complaint was filed by petitioner along with 3 individuals, but this revision petition has been filed only by the petitioner. Nowhere it has been mentioned that rest of the complainants were also not having sufficient funds for filing revision petition.

5. AS there is inordinate delay of 372 days, this delay cannot be condoned in the light of the judgments passed by the Hon "ble Apex Court and the National Commission in (1) (2010) 5 SCC 459 - Oriental Aroma Chemical Industries Ltd. Vs. Gujarat Industrial Development Corporation and Anr.; (2) (2012) 3 SCC 563 - Office of The Chief Post Master General and Ors. Vs. Living Media India Ltd. and Anr. and (3) 2012 (2) CPC 3 (State Commission) - Anshul Aggarwal Vs. New Okhla Industrial Development Authority.

6. AS application for condonation of delay is liable to rejection, revision being barred by limitation is liable to be dismissed. Consequently, revision petition filed the petitioner is dismissed as barred by limitation at admission stage with no order as to costs.