

(2005) 09 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

Laxmi Publications Pvt Ltd

APPELLANT

Vs

Daljit Freight Carriers

RESPONDENT

Date of Decision : 23-09-2005

Acts Referred:

Citation : 2005 4 CPJ 483 : 2006 2 CLT 73

Hon'ble Judges : J.D.KAPOOR , RUMNITA MITTAL J.

Judgement

1. APPELLANT booked 20 bundles of printed books worth Rs. 72,207 with the respondent for transportation from Delhi to Dhanbad on 10.3.1999. Since the delivery was made to unauthorised person, a complaint was filed by the appellant before the District Forum on 11.6.2001. In view of the provision of Section 24A of the Consumer Protection Act whereby a consumer is required to file a complaint within two years from the date of which the cause of action had arisen, the complaint was dismissed vide impugned order dated 21.11.2002, passed by the District Forum. Feeling aggrieved appellant has preferred this appeal.

2. WE have perused the impugned order and the documents placed on the record by the parties. We find that the documents from the Bank were received by the appellant in August, 1999 containing the GR and bill of the books informing that these documents are not being retired by the party of Dhanbad to whom the delivery was to be made. Since last cause of action arose in August 1999 when the aforesaid documents were received from the Bank, the limitation was to be computed from this date in terms of Section 24A of the Consumer Protection Act which provides that complaint shall be instituted in the District Forum within two years from the date on which the cause of action has arisen.

3. IN the result the appeal is allowed; the impugned order is set aside and matter is sent back to the District Forum with direction to decide the complaint afresh on merits.

4. APPELLANT shall appear before the District Forum on 5.10.2005 for the

aforesaid purpose. Fdr/Bank Guarantee, if any, filed by the appellant be returned after completion of due formalities.

5. A copy of this order as per the statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room. Appeal allowed. -