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**(1991) 10 NCDRC CK 0025**

**In the National Consumer Disputes Redressal Commission**

Maharashtra State Electricity Board

APPELLANT

Vs

ANDRU P. FORGESS

RESPONDENT

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**Date of Decision :** 22-10-1991

**Acts Referred:**

**Citation :** 1991 2 CPR 701 : 1992 1 CPJ 85 : 1993 1 CLT 337

**Hon'ble Judges :** V.Balakrishna Eradi , A.S.Vijayakar , B.S.Yadav J.

**Final Decision :** Petition disposed of

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**Judgement**

1. - THIS revision petition has been filed against the order dated 1.12.1990 passed by the State Commission of Maharashtra dismissing the Appeal No. 42 of 1990 on its file on the ground that it was filed beyond the period of limitation. The memorandum of appeal filed before the State Commission was accompanied by a petition praying for condonation of the delay in presenting the appeal. The condonation petition was dismissed by the State Commission prior to the rejection of the appeal. But before so dismissing the petition for condonation, that application was neither posted for hearing nor was the counsel for the appellant nor the party afforded an opportunity of being heard on the question of condonation of the delay. In our opinion, this omission constituted a violation of the principles of natural justice. The applicant should have been given an opportunity of making his submissions before the State Commission prior to a decision being taken on the question of condonation of delay. On this short ground we set aside the order of the State Commission and remand the case to the State Commission for fresh consideration of the question as to whether or not the delay should be condoned, after affording an opportunity of being heard to both the parties before it.

2. THE revision petition is disposed of on the above terms. No costs. Petition disposed of.