

(1992) 03 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION

APPELLANT

Vs

VISHWESHRAO KALE

RESPONDENT

Date of Decision : 26-03-1992

Acts Referred:

Citation : 1992 3 CPJ 40 : 1993 1 CLT 413 : 1994 1 CLT 265

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

Final Decision : Revision petition allowed

Judgement

1. THE impugned Order of the State Commission is one dismissing an appeal filed before it by the Revision Petitioner herein on the ground that the appeal had been filed out of time and that no valid or satisfactory ground had been made out for condonation of delay in presenting the appeal. It is seen from the records and it is also so submitted by Counsel appearing for the Revision Petitioner that the State Commission did not post the appeal or the application for condonation of delay for hearing with result that no opportunity was afforded to the appellant or its Counsel to present their case before the State Commission regarding the adequacy or otherwise of the reasons stated for the delay. We consider that the dismissal of an appeal petition on the ground of delay when there was application for condonation made by the party should be made only after affording the party an opportunity to substantiate the grounds stated in the application and to satisfy the Appellate Authority that valid grounds existed for the non presentation of appeal within the time prescribed by law. Inasmuch as this procedure which alone is in conformity with natural justice was not observed by the State Commission in this case. We are constrained to set aside the Order of the State Commission and remand the appeal and the application for condonation of delay to the State. Commission for fresh consideration and disposal in accordance with law In the light of the observations contained herein, the Revision Petition is allowed to the extent as indicated above. THE parties will bear their respective costs. Revision petition allowed.