

(1995) 11 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

MARUTI UDYOG LTD.

APPELLANT

Vs

ASHOK VIJAY VARGAYE

RESPONDENT

Date of Decision : 09-11-1995

Acts Referred:

Citation : 1995 0 NCDRC 39 : 1996 1 CPJ 303

Hon'ble Judges : V.BALAKRISHNA ERADI , B.S.YADAV , S.S.CHADHA ,
R.THAMARAJAKSHI , S.P.BAGLA J.

Advocate : C.S.VAIDYANATHAN , K.P.SUNDER RAO

Judgement

1. THE challenge in this Revision Petition is directed against the order dated 3.10.94 passed by the State Commission, Rajasthan rejecting the prayer made before it by the present revision-petitioner for condonation of the delay in preferring an appeal. Since it is purely a matter within the discretion of the authority dealing with an appeal to decide whether or not adequate grounds have been made out before it condoning the delay in preferring an appeal, this Commission does not as a general rule, interfere in revision with the orders passed by the Appellate Authority in such matters since no jurisdictional question is ordinarily involved. The only exception is when the order impugned is shown to be arbitrary, unreasonable or perverse.

2. IT is seen from the impugned order of the State Commission that it was not inclined to accept the explanation given by the appellants for their failure to file the appeal within time. Such being the finding of fact there is no scope for interference by this Commission in revision. However, we find there is substance in the submission made by the Counsel for the petitioner that the State Commission has without any justifying cause made certain adverse observations attributing to the revision petitioner the very serious misconduct of having fabricated records with a view "to concoct the case for condonation of delay". No supporting material whatever has been referred to in the order nor shown to us by the Counsel for the respondent on the basis of which the State Commission considered it fit to make these adverse remarks against Revision Petitioner. In

these circumstances, we do not think it is just or fair to confirm or approve to those remarks made by the State Commission but would direct that they shall stand deleted from its order. Subject to above directions the Revision Petition is hereby dismissed.