

(2003) 03 NCDRC CK 0074

In the National Consumer Disputes Redressal Commission

PANCHMUKHI TEA PACKAGING (P) LTD.

APPELLANT

Vs

PUNJAB AND SIND BANK

RESPONDENT

Date of Decision : 20-03-2003

Acts Referred:

Citation : 2003 4 CPJ 394

Hon'ble Judges : S.C.Datta , S.Majumder J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the order of dismissal passed by the Forum. The Forum observed that the case was barred by law of limitation.

2. THE case of the complainant in short is that he approached the O.P. for negotiating the bills presented by it to the O.P. It submitted their invoices alongwith necessary documents for crediting the proceeds of the said bills to its account but the O.P. failed to take action in the matter despite several requests. THE complainant drew the attention of the O.P. on 27.8.1993 that in July, 1993 they received information from the ANZ Grindlays Bank, Madras to the effect that they could not make any payment as there was no authority with them from L.C. Opening Bank but despite this the O.P. did not take any step. THE complainant finally cautioned the O.P. not to neglect the matter especially when the sum of Rs. 18,21,000/- was due and receivable from them against which the O.P. advanced a sum of Rs. 9,60,000/-. But the O.P. did not pay any heed to. Several correspondences were entered into but to no effect. So, the present complaint had been filed alleging deficiency in service on the part of the O.P. The O.P. contested the case raising plea of limitation as a bar to the institution of the complaint petition. It appears that the Forum upheld the plea of the O.P. and dismissed the case. The Forum held that the last credit was on 20.10.1993 and the case has been filed on 24.7.1996 i.e. long after the expiry of the period of limitation prescribed under Section 24A of the C.P. Act. The Forum observed that even if it is accepted that the period of limitation will run from 5.4.1994 even then the case having been filed on 24.7.1996 was normally barred by the law of

limitation. It appears that the complainant did not annex with the petition of complaint copy of letter dated 16.11.1994 which has been filed on 25.7.1997. There is no explanation as to why the case was not filed earlier. Even considering the fact that the period of limitation would run from 5.4.1995 (Annexure-1) even then the period of two years has elapsed on the date of presentation of the petition of complaint before the Forum. The complainant has not filed any application for condonation of delay. It is of course true that the case should not be thrown away lightly because of bar of limitation. It must also be remembered that the complainant must satisfactorily explain the delay in filing the complaint petition which has not been done in the present case. In our opinion, it is difficult to accept any stale claim. Consequently, we find no reason to disagree with the views of the Forum. The appeal is without any merit and is dismissed on contest. Appeal dismissed.