

(2003) 01 NCDRC CK 0045

In the National Consumer Disputes Redressal Commission

PRINCIPAL, IITT COLLEGE OF ENGINEERING

APPELLANT

Vs

PURNIMA

RESPONDENT

Date of Decision : 27-01-2003

Acts Referred:

Citation : 2004 1 CPJ 246

Hon'ble Judges : H.S.Brar , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal dismissed

Judgement

1. IT is an application for condonation of delay of 29 days in filing the appeal against the order dated 26.8.2002 passed by the District Consumer Disputes Redressal Forum, Nawanshahr (hereinafter called the District Forum).

2. IT is stated in the application for condonation of delay that the certified copy of the impugned order dated 26.8.2002 was received by the applicant-appellants' office clerk on 16.9.2002. The ground taken for condonation of delay in the application is that the Principal of the applicant-College was away to Jaipur on vacation. Every effort was made by the clerk to contact the Principal but all the efforts went in vain as nobody at his Jaipur residence was receiving telephonic calls and it was only on 9.11.2002 that the concerned clerk of the applicant-college was able to contact the Principal on telephone and thereafter the Principal engaged the services of the Counsel on 11.11.2002 and the appeal was filed on 15.11.2002. Notice was issued in the Misc. application and the reply was filed. In the reply averments made in the application have been rebutted. It has been stated in the reply that though it has been mentioned in the application that the Principal of the College was vacationing somewhere in South from 16.9.2002 to 9.11.2002, in fact, this was not a vacation period in the college. It is stated in the reply that even if it is presumed that during the relevant period the Principal of the College was not available then some kind of stop-gap arrangement must have been made by the College Authorities and somebody must have been appointed to act on behalf of the Principal during the relevant period. It is also stated in the application that the Vice-Principal of the College

was also a party to the proceedings. The appeal could have been filed well within time with his approval only.

The story set up by the applicant-appellants does not seem to be plausible at all. Admittedly, the copy of the impugned order was received in the office of the applicant-appellants on 16.9.2002. If the Principal of the College had gone away then a person second-in-command is always available for attending the day-to-day work of the college. Even otherwise it does not seem to be reasonable that the Principal of the College could not be contacted for about two months. The story put up in the application that the clerk had tried to contact the Principal but he could not do so for such a long time has not even been supported by any affidavit of the clerk. Neither the name of the clerk is mentioned in the application nor his affidavit has been filed to support the averments made in the application. In these circumstances, we do not find any sufficient ground to condone the delay of 29 days in filing the appeal. This application for condonation of delay is, thus, dismissed. Consequently, this appeal is also dismissed as belated. Appeal dismissed.