
(2000) 01 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

P.S.E.B.

APPELLANT

Vs

Sukhdev Singh

RESPONDENT

Date of Decision : 20-01-2000

Acts Referred:

Citation : 2001 2 CPC 236 : 2001 3 CPJ 431

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 16 days in filing the appeal. The ground for condonation of delay agitated before us is that the judgment of the District Forum was received in the office of the appellant Board at Mansa on 4.1.1999. XEN Mansa vide letter dated 7.1.1999 informed the Secretary, Legal Section, Patiala along with certified copies for their opinion for further action in the matter. The opinion of the Secretary, Legal Section, Patiala was received in the office of the appellant at Mansa on 28.1.1999. But the certified copies sent to Patiala were not received back. Hence the appellant had to apply for the certified copies afresh and the same were taken on 2.2.1999. Counsel was contacted on 3.2.1999. But the complete record of the case was not available. The Counsel in the lower Court having lost the brief of the case. Hence more time was taken. The XEN came to Chandigarh on 1.2.1999 to sign the affidavit. Record was completed on 14.2.1999. Two days were taken to prepare the appeal and thus the appeal was filed on 17.2.1999. These are the grounds submitted for explaining the delay in filing the appeal.

2. WE have heard the Counsel and have gone through the application as well as the reply to the miscellaneous application. WE do not find sufficient grounds for explaining the delay of 16 days in filing the appeal. The copy of the order was admittedly received in the office of the appellant on 4.1.1999. The opinion sought for by the appellant from Secretary, Legal Section, Patiala took 24 days to get his opinion as admittedly the opinion of the Secretary, Legal Section, Patiala reached the appellant on 28.1.1999. There is not an iota of evidence in

explaining this delay. It is further to be noticed that when certified copies sent at Patiala were not received back by the appellant, they should have immediately sent someone to Patiala to get the certified copies, which was not so done by the Secretary, Legal Section, Patiala. Instead of doing so, a fresh application was given for obtaining the certified copy of the order to be impugned. Even the delay from 3.2.1999 upto 17.2.1999, the day when the appeal was filed, has also not been explained. In these circumstances, we do not find any valid ground to condone the delay in filing the appeal. This application for condonation of delay is thus dismissed. Resultantly, the appeal is also dismissed as time barred. Appeal dismissed.