

(2012) 07 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

Santoh Goyal

APPELLANT

Vs

UNION OF INDIA

RESPONDENT

Date of Decision : 09-07-2012

Acts Referred:

Citation : 2012 0 NCDRC 853

Hon'ble Judges : J.M.MALIK , SURESH CHANDRA J.

Final Decision : Revision Petition dismissed

Judgement

1. FOR the reasons stated in the application for condonation of delay filed by the petitioner, the delay of 31 days in filing this revision petition is condoned. 2. Briefly stated, the petitioner Dr. Santosh Goyal of Palwal (Haryana) who is the original complainant in this case while travelling from Delhi railway station to Jodhpur by Train No.4049 UP in Coach No.A-1, found her purse missing. According to her, it contained cash and other valuables including diamond necklace and some jewellery items worth about Rs.5 lacs. She brought the incident of her missing purse to the notice of the Coach Conductor (TTE) who could not provide any help to her. Thereupon, she lodged an FIR on 26.2.2009 with the police on arrival at Jodhpur junction. Eventually, she knocked the doors of the Consumer Fora by filing a complaint with the District Consumer Disputes Redressal Forum, New Delhi on 8.3.2011. The District Forum dismissed the complaint as time-barred vide its order dated 11.4.2011. Aggrieved by the order of the District Forum, the petitioner went in appeal challenging this order before the Delhi State Consumer Disputes Redressal Commission (tate Commissionfor short). Vide its order dated 18.7.2011, the State Commission has upheld the order of the District Forum and dismissed the appeal on the ground that the complaint of the petitioner was time-barred. The petitioner has now filed the present revision petition against this impugned order of the State Commission. 3. The only issue which needs to be decided by us is as to whether the complaint filed by the petitioner before the District Forum was time-barred. Mr. Sagar Saxena, Advocate who appeared for the petitioner has submitted that even though the incident in question occurred during the course of journey from Delhi

to Jodhpur on 25/26th February 2009, the petitioner tried to seek necessary information under RTI Act 2005 from the Railway Board vide her application dated 13.04.2009 but no satisfactory reply was received by her. Thereafter, the petitioner preferred an appeal to the appellate authority of the Railway Board to which also she did not get any reply. Thereafter, she filed second appeal to the Chief Information Commissioner, Govt. of India but in spite of lapse of more than one year, she has not received any reply from the CIC also. In such circumstances, if there was delay of 9 days beyond the prescribed period of two years in filing the complaint before the District Forum, it was only a technical matter and the same should have been ignored since there was no deliberate or wilful delay on the part of the petitioner in filing her complaint and the same happened inadvertently. In the circumstances, he vehemently pleaded that the delay of 9 days should be ignored and the matter be decided on merits which are strongly in favour of the petitioner. Learned counsel has, however, confirmed that the petitioner did not file any application for condonation of delay for consideration of the District Forum. 4. It would be seen from the above that the delay of 9 days in filing the complaint before the District Forum and non-filing of any application for its condonation are not in dispute. In the circumstances, the District Forum dismissed the complaint on 11.4.2011 in terms of the following order: the complaint alleges theft during the journey in train from Delhi to Jaipur on 26.2.2009. The complaint has been filed on 8.3.2011. This is beyond the limited period of 2 years prolonged in the Act. There is no application for condonation of delay, nor in the facts any sufficient cause can be made out to condone delay. The complaint is thus dismissed. File be consigned in record room. 5. As stated above, the State Commission vide its impugned order, upheld the decision of the District Forum and dismissed the appeal of the petitioner. The requirement of filing a complaint within a period of two years from the date on which the cause of action has arisen is a mandatory requirement as per provisions of section 24A and in the absence of any application for condonation of delay the District Forum rightly dismissed the complaint as being time-barred. The view taken by the Forum below is in line with the law stated by the Apex Court in the case of State Bank of India v. B.S. Agricultural Industries, II (2009) CPJ 29 (SC)=II (2009) SLT 793]. We, therefore, do not find any basis to interfere with the impugned order and consequently dismiss the revision petition in limine. No costs. Revision Petition dismissed.