

**(1997) 10 NCDRC CK 0050**

**In the National Consumer Disputes Redressal Commission**

SWANI MOTORS

APPELLANT

Vs

A.K. BLAGGANA

RESPONDENT

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**Date of Decision :** 21-10-1997

**Acts Referred:**

**Citation :** 1997 3 CPJ 576

**Hon'ble Judges :** A.L.Bahri , Gurkanwal Kaur J.

**Final Decision :** Appeal allowed

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**Judgement**

1. THIS appeal deserves to be allowed on the short ground that the complainant approached the District Forum beyond the period of limitation and no prayer was made for condoning delay in filing the complaint nor any sufficient cause preventing the complainant from filing the complaint late was shown. For the purposes of deciding this question, suffice it to say that a car was purchased by the complainant on January 11,1991 and the complaint was filed before the District Forum, Jalandhar on April 28,1994 making a grouse that excess price for Maruti 800 Car was charged by the dealer. No doubt after the sale of the car, the complainant represented to the opposite parties that the complainant has been overcharged. However, after going through the correspondence as shown, we find that there was no acknowledgement of the liability by the opposite parties in this respect.

2. TAKING the cause of action accrued for filing the complaint on January 11,1991 a period of three years could be taken into consideration for filing the complaint. Consumer Protection Act was amended in 1993 whereby Section 24-A was inserted providing a period of two years" limitation for filing the complaint. The aforesaid provision will not be applicable to the facts of the case in hand as the cause of action accrued much prior to coming into force Section 24-A of the Act and for the purposes of determining as to whether the complaint filed was within time or not, the period of three years is to be taken into consideration. The present complaint filed on April 28, 1994 is clearly beyond three years and is barred by time and is liable to be dismissed on that ground. We order

accordingly. While accepting the appeal, we set aside order of District Forum whereby the complainant was granted relief. There will be no order as to costs. Appeal allowed.