
(2017) 08 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

Case No : 258 of 2016

U.P. STATE AGRO INDUSTRIAL CORPORATION LTD.

APPELLANT

Vs

VIDYADHAR PANDEY

RESPONDENT

Date of Decision : 11-08-2017

Acts Referred:

Citation : (2017) 08 NCDRC CK 0016

Hon'ble Judges : B.C. Gupta

Advocate : Ritesh Khare, Manoj Singh

Judgement

1. For the petitioner, U.P. State Agro Industrial Corporation Limited, a proxy counsel Mr. Ritesh Khare was present on the date of hearing, i.e., 21.07.2017. The main counsel Mr. Manoj Singh did not put in appearance. The respondent Vidyadhar Pandey was present in person and was heard. The main counsel for the petitioner was allowed to file his written submissions by 25.07.2017, as agreed by the learned proxy counsel for them. However, no such submissions were filed till 25.07.2017.

2. An examination of the material on record brings out that this revision petition has been filed against the order dated 20.03.2013 passed by the Uttar Pradesh State Consumer Disputes Redressal Commission (hereinafter referred to as "the State Commission") in appeal No. 166/2009, vide which the said appeal filed against the order dated 24.10.2008 of the District Forum, allowing the consumer complaint No. 224/2004, was dismissed for non-prosecution. During the pendency of the revision petition, none appeared for the petitioner on 13.07.2016 even after the second call and hence, the petition was dismissed for non-prosecution on that date. An application bearing No. MA/378/2016 for restoration of the petition was filed by the petitioner. However, after giving detailed hearing to the counsel for the petitioner, the said MA No. 378/2016 was also dismissed vide detailed order dated 29.07.2016 and the order dated 13.07.2016 was confirmed. The present review application No. 258/2016 has been filed, seeking review of the order dated 29.07.2016.

3. In the interest of justice, notice of the review application was given to both the parties for hearing, although as per established procedure, the review applications are considered and decided in "Chamber" only. In response to the notice, the main counsel for the petitioner put-in appearance on 07.03.2017, when it was decided to issue notice to the respondent at the new address. On the next date of hearing on 21.07.2017, the main counsel for the petitioner was again not present, whereas the respondent put in appearance.

4. The respondent stated that he was a person of advanced age and was being dragged to unnecessary litigation by the opposite party which was a State agency, called the U.P. State Agro Industrial Corporation Limited. Even the State Commission had dismissed their appeal for want of prosecution. This Commission also dismissed the revision petition for non-prosecution and the application for restoration has also been dismissed vide detailed order dated 29.07.2016. There was no justification for review of the said order at this stage. Moreover, the issue in question relates to the supply of a defective thresher by the U.P. State Agro Industrial Corporation Limited to him. The District Forum had already passed orders in the year 2008 to provide a new thresher, or to pay a sum of 33,000/- as compensation to him, alongwith cost of 2,000/-. However, the opposite party was still dragging the complainant to litigation, although a number of years had passed, since the order was passed by the State Commission.

5. It is evident from the facts on record that the petitioner/review applicant, the UP State Agro Industrial Corporation Limited, which are a State agency, have not been taking interest in contesting the case before the State Commission or this Commission. On a number of occasions, the counsel for the said party was not present during hearing and hence, the proceedings had to be dismissed by the State Commission as well as by this Commission for non-prosecution. A miscellaneous application/MA No. 378/2016, seeking reversal of the order of this Commission dated 13.07.2016, was dismissed on 29.07.2016 vide a detailed speaking order. At this stage, there is no justification for carrying out a review of the said order, as there is no error apparent in the same on the face of record. The review application No. 258/2016 is, therefore, ordered to be dismissed, and the order passed by this Commission on 29.07.2016 is upheld. There shall be no order as to costs.