

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

* * * *

WRIT PETITION No.26111 OF 2015

Between:

Kalava Praveen Kumar

.. Petitioner

and

State of Telangana, Consumer Affairs,
Food and Civil Supplies Department and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: August 18,
2015

SUBMITTED FOR APPROVAL:

-

-

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? Yes/No

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals?

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

-
-

WRIT PETITION No.26111 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to declare the action of State Consumer Disputes Redressal Commission of Telangana - respondent No.2, in not considering the stay petition, pending the appeal filed by the petitioner against the order, dated 15.12.2010, passed in C.C.No.690 of 2009 by the District Consumer Disputes Redressal Forum – II, Hyderabad – respondent No.3, as illegal and arbitrary, and consequently, to set aside the order, dated 15.12.2010.

Respondent No.4 filed the aforesaid C.C. against the Petitioner claiming certain reliefs. The District Forum, by impugned order, dated 15.12.2010, allowed the C.C. and issued the following directions:

“Point No.3 – In the result, complaint is allowed and by directing the opposite party to complete the works i.e., No.1.Lift, No.2.Marble Flooring, No.3.Teak Doors, No.4.Generator, No.5.Walls etc at his own

costs or in the alternative, pay the complainant a sum of Rs.20,000/- (Rupees twenty thousand only) towards plastering in duct and boundary walls plastering, Rs.10,000/- (Rupees ten thousand only) towards water proofing in toilets and plumbing lines repairing etc., Rs.50,000/- (Rupees fifty thousand only) towards lift, compound wall, terrace water proofing and electrical transfer and Rs.10,000/- (Rupees ten thousand only) for mental agony totaling to a sum of Rs.90,000/- (Rupees ninety thousand only) with interest at 9% p.a. from the date of Registered Sale Deed till the date of realization. Time for compliance: Two months.”

Aggrieved by the same, an appeal is filed by the petitioner before respondent No.2 along with applications to condone the delay of 1600 days in filing the appeal and to grant stay of operation of the order, dated 15.12.2010.

In this Writ Petition, it is the grievance of the petitioner that though he has filed an application for grant of stay of operation of the order, dated 15.12.2010, the same is not taken up by the appellate authority.

In this case, it is to be noticed that the District Forum has passed the impugned order as early as on 15.12.2010 and the appeal filed by the petitioner is not even numbered. It is also to be noticed that an application is filed by the petitioner to condone the delay of 1600 days

in filing the appeal. Whether there are sufficient reasons to condone the delay or not, is a matter to be considered by the appellate authority. As the impugned order is passed as early as on 15.12.2010, we are not inclined to interfere with the same at this stage. However, it is left open to the petitioner to pursue the applications filed by him before the State Commission.

Subject to the above, the Writ Petition is dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J
August 18, 2015
MD