

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

WRIT PETITION No.26439 of 2015

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

In the writ petition, the petitioner seeks a direction by way of Mandamus to declare the inaction on the part of the 2nd respondent-State Consumer Disputes Redressal Commission, Hyderabad in passing orders in the stay petition in pending appeal filed by him against the orders dated 25.06.2010 in Consumer Case No.201 of 2009 passed by the 3rd respondent-District Consumer Disputes Redressal Forum-II at Hyderabad.

Respondent Nos.4 to 9 filed a complaint in Consumer Case No.201 of 2009 before the 3rd respondent and the same was disposed of by order dated 25.06.2010, directing the petitioner herein to handover two residential plots and two shop rooms to the complainants or in the alternative, to pay the market value thereof existing at that time and also directed to pay a sum of Rs.10,000/- towards compensation for the delay caused and Rs.2,000/- towards costs, within six months from the date of the order. Aggrieved thereby, the petitioner herein carried the matter by way of appeal before the 2nd respondent State Commission on 01.08.2015 along with an application seeking condonation of delay of more than 1800 days in filing the appeal. In the said appeal, the petitioner has

also filed a stay petition seeking stay of the order passed by the 3rd respondent and the same is pending. This writ petition is filed questioning the action of the State Commission in not taking up the stay petition on the ground that there is no Presiding Officer for the State Commission.

In this case, it is to be noticed that so far the petition filed for condonation of delay in filing the appeal is not ordered, thereby the appeal is not numbered. The 3rd respondent passed orders as early as on 25.06.2010. It is submitted by learned counsel for the petitioner that as against the orders dated 25.06.2010 of the 3rd respondent, the petitioner preferred an appeal on 01.08.2015. As there is abnormal delay in filing the appeal, whether to consider such delay or not, is a matter to be considered by the 2nd respondent State Commission and the petitioner can pursue the same. Hence, we do not find any merit in this writ petition to grant the relief as sought for.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

20.08.2015

