

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No. 11496 OF 2010

ORDER : *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

After generating considerable amount of debate at the Bar, it was pointed out to the learned counsel for the petitioners that an Appeal would lie to the National Commission against any order passed by the State Commission, if the petitioners are aggrieved by such order.

Section 19 of the Consumer Protection Act, 1986 would set out that such an Appeal has to be preferred within 30 days from the date the order has been passed, but however, the Proviso would make it clear that the National Commission may entertain an Appeal after the expiry of the said period of 30 days, if it is satisfied that there was sufficient cause for not filing it within that period.

Learned counsel for the petitioners Sri Vedula Srinivas would submit that since the petitioners are *bona fide* prosecuting this Writ Petition for the past nearly six years period and finding *prima facie* merit in the case, a Division Bench of this Court has granted an interim order also, in view of the controversy relating to the fact situation prevailing in the matter, it was considered appropriate by the parties to approach the National Commission. He therefore, seeks leave to withdraw this Writ Petition with liberty to approach the National Commission. He also prays that the interlocutory relief granted by this Court as on 09.03.2011 be continued for a period of four weeks as it takes time for the parties to collect the certified copies from this Court and then approach the National Commission.

Accordingly, conceding the request of the learned counsel for

the petitioners, we permit to withdraw the Writ Petition with liberty to approach the National Commission under Section 19 of the Act by way of an Appeal. The benefit of interim order granted on 09.03.2011, however, shall continue till 11.04.2016, provided the petitioners approach the National Commission within the said time frame. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

10th March 2016

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