

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WP.No.39101 of 2016

Date:18.11.2016

Between:

Mohammed Nasiruddin Atif,
S/o Mohd. Moinuddin Ahmed

..... Petitioner

And:

The Telangana State Consumer Disputes
Redressal Commission, Hyderabad, reptd by
its Registrar and another.

....Respondents

Counsel for the petitioner: Mr. Syed Jameel Ahmed

Counsel for respondent No.1: AGP for Civil Services (TS)

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

We have passed order on 17.11.2016 admitting the Writ Petition and granting interim stay without noticing the fact that the impugned order was passed as far back as 13.10.2014. As we have not signed the orders, we have *suo motu* directed the case to be listed 'for being mentioned'. Accordingly, the case is posted today.

We have heard, Mr. Syed Jameel Ahmed, learned counsel for the petitioner and perused the record.

This Writ Petition is filed assailing order, dated 13.10.2014, in CCIA.No.1654 of 2014 in CC.No.72 of 2012 passed by respondent No.1.

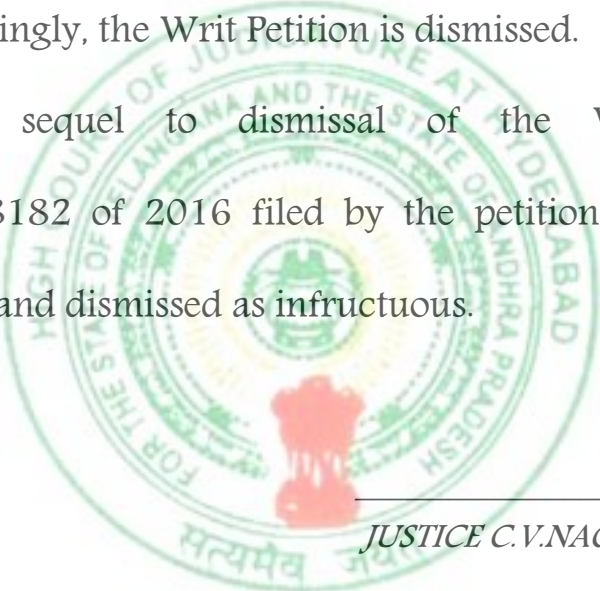
Mr. Syed Jameel Ahmed, learned counsel for the petitioner, submitted that respondent No.1 had no jurisdiction to appoint an Advocate-Commissioner as, he did not have all the powers of the Civil Court except to the extent enumerated in sub-clauses- (i) to (vi) of Section-13(4) of the Consumer Protection Act, 1986.

It is not in dispute that the order of respondent No.1 was passed as far back as 13.10.2014. The petitioner has not offered any explanation worth being accepted for not questioning such order for more than two years.

A perusal of the record shows that a free copy of the impugned order was supplied to the petitioner as far back as 28.10.2014 and the application filed by respondent No.1 was strongly opposed by the petitioner by filing a counter-affidavit. Therefore, we do not find any justification whatsoever for the petitioner for not challenging the said order for more than two years. Therefore, the Writ Petition is liable to be dismissed only on the ground of laches.

Accordingly, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.48182 of 2016 filed by the petitioner for interim relief shall stand dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.S.K.JAISWAL

18th November 2016

DR