

BENCH AT AURANGABAD.

1. Learned counsel for petitioner submits that the petitioner had filed an appeal against the order of the District Consumer Disputes Redressal Forum. As within stipulated period, the statutory amount was not deposited, the State Consumer Disputes Redressal Commission, Mumbai, Circuit Bench at Aurangabad, dismissed the appeal. The learned counsel submits that the

cheque was drawn on 14.10.2016, however, the same came to be deposited on 18.10.2016. The petitioner was late by one day in depositing the amount. The said delay of one day ought to have been condoned. The learned counsel submits that 15th and 16th October, 2016 were holidays and the advocate of the petitioner received the cheque on 17.10.2016 in late hours and immediately on 18.10.2016, the said cheque was deposited. The delay of one day in non-compliance of office objection was not deliberate and intentional.

2. Mr.Bagdiya, learned counsel for Respondent submits that the petitioner has an alternate remedy of appeal. The learned counsel also submits that there was no impediment for the public body like the petitioner to comply the office objection within time.

3. We have considered the submissions. The appeal filed by the petitioner is dismissed for non-compliance of office objections. It is also a matter of record that the petitioner has complied with the deposit of statutory amount the

next day after the stipulated date. Considering the reasons given, delay in depositing the amount does not appear to be deliberate.

4. In view of that, I am inclined to entertain the petition and grant one opportunity to the petitioner to contest the appeal on merits, however, the petitioner also deserves to be mulct with cost.

5. In the result, I pass the following order :

a) The impugned order is quashed and set aside. The appeal is restored to its original position on condition that petitioner pays cost of Rs.5,000/- (Rupees five thousand) to the Respondent by 22.9.2017. The parties shall appear before the State Commission on 22.9.2017 and shall pay cost of Rs.5,000/ (Rupees five thousand) to the Respondent on or before 22.9.2017.

(S.V.GANGAPURWALA, J.)

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