

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SMT JUSTICE T. RAJANI

W.P. No. 10328 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 18.12.2017 in F.A.I.A. No. 366/ 2015 in F.A.SR. No. 1404 of 2015 passed by the State Consumer Disputes Redressal Commission of Telangana, Hyderabad (for short "State Commission"), whereby the petition filed by the petitioner seeking to condone the delay of 55 days in preferring the appeal, has been dismissed.

The impugned order is passed by the State Commission, however, by virtue of provision contemplated under Section 19 of the Consumer Protection Act, 1986 (for brevity "the Act") the order impugned in this writ petition has to be challenged before the National Commission. Therefore, we are not inclined to pass any order in this writ petition.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed. At this stage, the learned counsel for the petitioner submits that against the order of the State Commission, an appeal lies before the National Commission by virtue of Section 21 of the Act which deals with jurisdiction of the National Commission and entertaining appeals, and he seeks time to approach the National Commission. In the

interest of justice, we hereby grant four weeks' time from today to the petitioner to approach the National Commission for redressal of its grievance. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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SURESH KUMAR KAIT, J

02.04.2018

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T. RAJANI, J

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