

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.30911 of 2017

Date: 28.06.2018

Between:

Narne Constructions Private Limited
regd. Office at 1, Gunrock Enclave,
Secunderabad rep. by its Managing Director
Col. Ranga Rao Narne (retd.)

... Petitioner

and

District Consumer Disputes Redressal Forum-III
Hyderabad, rep. by its President and 3 others

...Respondents

Counsel for the Petitioner:

Mr.Srikanth Hariharan

Counsel for respondent Nos.1 & 4:

GP for Civil Supplies

Counsel for respondent Nos.2 & 3:

**Mr.K.R.Sasidharan Nair
for Mr.K.Rajendran**

The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The appellant in FASR.No.922 of 2015, which was filed against Order, dated 02-04-2015, in CC.No.732 of 2010, on the file of respondent No.1- District Consumer Disputes Redressal Forum-III, filed this Writ Petition feeling aggrieved by refusal to condone the delay of 83 days in filing the said Appeal by the Telangana State Consumer Disputes Redressal Commission (for short 'the State Commission').

We have heard the learned Counsel for both parties and perused the record.

In support of the petitioner's plea that due to his old age and sickness, he could not file the appeal in time, he has filed an affidavit. The cause shown by the petitioner for condonation of delay was not accepted by the State Commission on the ground that the same does not constitute 'sufficient cause' and that supporting material has not been filed.

While we may not find fault with the approach of the State Commission, we are, however, unable to agree with its finding that the delay of 83 days is abnormal. But for the State Commission treating the said delay as abnormal, we are sure it would have

taken a lenient view in considering the application for condonation of delay by putting the petitioner on reasonable terms as a condition for condoning the delay. As we feel that the petitioner deserves an opportunity for contesting the order of respondent No.1 on merits, we allow the Writ Petition, however, by placing the petitioner on reasonable terms. Accordingly, on condition of the petitioner paying Rs.10,000/- each to respondent Nos.2 and 3 towards costs, we allow FAIA.No.251 of 2015 filed for condoning the delay of 83 days in filing FASR.No.922 of 2015 on the file of the State Commission. The costs as directed above shall be paid by the petitioner by way of Demand Drafts and handed over to the learned Counsel for respondent Nos.2 and 3 within two weeks from today. On filing the receipt of such payment, the State Commission shall entertain FASR.No.922 of 2015 and dispose of the same on merits after hearing both the parties.

As a sequel, WVMP.No.4866 of 2017 is dismissed and WPMP.No.38529 of 2017 is disposed of.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 28th June, 2018
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