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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 23rd October, 2024***

+ **CM(M) 3690/2024 & CM APPL. 62361/2024**

DELHI DEVELOPMENT AUTHORITY

.....Petitioner

Through: Ms. Mrinalini Sen, Advocate

versus

BACHHI DEVI THROUGH LRS

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM APPL. 62361/2024 (exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 3690/2024

1. Bachhi Devi (since deceased) herein had filed a complaint before the learned District Consumer Disputes Redressal Commission, Delhi against Delhi Development Authority (DDA). Such complaint was, however, dismissed by learned District Forum on 11.08.2015.
2. Complainant challenged the same by filing an appeal before the learned State Commission, Delhi and learned State Commission Delhi, vide order dated 09.04.2021, allowed such appeal and directed DDA to issue fresh *allotment letter* within two months from the date of receipt of order.
3. It needs to be reiterated that the aforesaid order was passed by learned State Commission, Delhi on 09.04.2021.



4. In terms of the provisions contained in Consumer Protection Act, 2019, admittedly, revision is competent and maintainable and can be filed within a period of 30 days but fact remains that such revision petition was filed by DDA only on 02.12.2022.
5. Revision was accompanied with an application seeking condonation of delay and according to DDA, there was delay of around 95 days in lodging the revision petition. Such revision petition has, however, been dismissed on the ground of limitation.
6. It is contended by learned counsel for DDA that keeping in mind the reasons assigned in the application, learned National Consumer Disputes Redressal Commission (in short 'NCDRC') should have rather condoned the delay, instead of dismissing the revision petition on the point of limitation.
7. This Court has gone through the order passed by learned NCDRC and the aspect of condonation of delay has been very appropriately considered and appreciated by learned NCDRC. It even noticed that normally, the approach of the Commission is liberal so that case is decided on merits, instead of on technical aspects but keeping in mind the manner in which the matter was taken by DDA, it, eventually, came to the conclusion that there was no cause to condone the delay.
8. Moreover, there are few dates which need to be highlighted and these are captured from the *list of dates* filed by the petitioner-DDA before this Court and even these details would clearly indicate that DDA itself is responsible for its miseries as it took this matter in a nonchalant and casual manner.



9. Such details, figuring in list of dates starting from 09.04.2021 till 02.12.2022, are as under: -

09.04.2021	<i>The Hon 'ble State Commission decided the appeal against the Petitioner and in favour of the Respondent.</i>
02.11.2021	<i>The Department for the first time learnt about the order dated 09.04.2021 and the panel lawyer for reasons best known to her intimated the Department after seven months. The copy of the order along with the legal opinion of the panel lawyer was received in the office of the Petitioner after a lapse of 7 months.</i>
16.02.2022	<i>It was noted that the earlier Dealing clerk did not put up the file, and it was only after the new Dealing clerk was posted that the file was taken up.</i>
24.03.2022	<i>Explanation sought for delay and further noticed that it has taken 2 months to re-submit the file without any cogent reasons for the delay.</i>
22.04.2022	<i>File was sent to the SLO(H) through Director (H)-II for intimating whether appeal can still be filed in this matter or Is it already delayed considering the fact that 12 months have lapsed since the order of the State Commission</i>
30.05.2022	<i>The Petitioner decided that they will file the Revision petition.</i>
14.06.2022	<i>Matter entrusted to a panel lawyer.</i>
02.09.2022	<i>The lawyer applied for the certified copy of the order dated 09.04.2021 of the Hon'ble State Consumer Commission.</i>
02.12.2022	<i>The certified copy was prepared and delivered to the Panel Lawyer.</i>
02.12.2022	<i>Revision Petition was filed.</i>

10. Clearly, the petitioner had taken things for granted.

11. Undoubtedly, the working might be somewhat restricted in view of pandemic of Covid-19 but here the non-action is writ large. The petitioner took unnecessary time in deciding to file Revision and their panel lawyers also wasted lot of time in preparing such petition.



12. In *Pathapati Subba Reddy (died) by L.Rs. & Ors. vs. The Special Deputy Collector (LA)*: 2024 SCC OnLine SC 513, Hon'ble Supreme Court has observed as under:-

“16. Generally, the courts have adopted a very liberal approach in construing the phrase ‘sufficient cause’ used in Section 5 of the Limitation Act in order to condone the delay to enable the courts to do substantial justice and to apply law in a meaningful manner which subserves the ends of justice. In Collector, Land Acquisition, Anantnag v. Katiji, this Court in advocating the liberal approach in condoning the delay for ‘sufficient cause’ held that ordinarily a litigant does not stand to benefit by lodging an appeal late; it is not necessary to explain every day's delay in filing the appeal; and since sometimes refusal to condone delay may result in throwing out a meritorious matter, it is necessary in the interest of justice that cause of substantial justice should be allowed to prevail upon technical considerations and if the delay is not deliberate, it ought to be condoned. Notwithstanding the above, howsoever, liberal approach is adopted in condoning the delay, existence of ‘sufficient cause’ for not filing the appeal in time, is a condition precedent for exercising the discretionary power to condone the delay. The phrases ‘liberal approach’, ‘justice-oriented approach’ and cause for the advancement of ‘substantial justice’ cannot be employed to defeat the law of limitation so as to allow stale matters or as a matter of fact dead matters to be revived and re-opened by taking aid of Section 5 of the Limitation Act.”

13. Here, as rightly noted by learned NCDRC, the revisionist failed to disclose any credible, convincing and acceptable explanation.

14. Keeping in mind the overall facts and circumstances of the case, this Court is convinced that the discretion exercised by learned NCDRC does not call for any interference as no good ground has been shown which may justify the delay.

15. This Court is also conscious of the fact that the present petition has been filed under Article 227 of the Constitution of India whereby the Court is required to exercise its supervisory powers. The duty of the supervisory Court is to interdict if it finds that the findings are perverse i.e. (i) Erroneous on account of non-consideration of material evidence, or (ii) Being



conclusions which are contrary to the evidence, or (iii) Based on inferences that are impermissible in law. Reference be made to *Puri Investments Versus Young Friends and Co. and Others: 2022 SCC OnLine SC 283*.

16. Finding no merit or substance, the present petition is, hereby, dismissed.

(MANOJ JAIN)
JUDGE

OCTOBER 23, 2024/dr