

**05.02.2025**

Sl. No.: 22  
Court No.30  
BM

**C.O. 4025 of 2024**

**Belur Sramajibi Swasthya Prakaalpa Samiti  
and Another.**

**Vs.**

**Blue Star Ltd. & Anr.**

Mr. Supriyo Chattopadhyay

... for the petitioner

1. The present revisional application has been preferred against an order dated October 10, 2024 passed by the learned National Consumer disputes Redressal Commission, New Delhi in connection with First Appeal No.342 of 2024.

2. It is submitted by the learned counsel for the petitioners by relying upon the documents at pages 245 and 246 which are orders of the National Consumer Disputes Redressal Commission, New Delhi that only the learned counsel for the appellant who is petitioner herein was heard on those days and order was reserved.

3. The respondents before the Commission was not present on either day and was thus not heard but in spite of such orders, on 12.07.2024 the commission by condoning the delay and recording that both parties were heard disposed of the appeal on merit.

4. Considering the nature of relief prayed for and the material on record service is dispensed with.

5. It appears that the said judgement on merit has been passed by commission while considering an application for condonation of delay.

6. It is clear from the previous orders that the matter was not heard on merit and in spite of not hearing the case on merit, the order under appeal has been passed and as such the same is against the principal of natural justice and has to be set aside to prevent the abuse of the process of law.

7. The order dated October 10, 2024 passed by the learned National Consumer Disputes Redressal Commission, New Delhi in connection with First Appeal No.342 of 2024 is hereby set aside.

8. First Appeal No.342 of 2024 is restored to its file.

9. The NCDR Commission, New Delhi shall heard the appeal afresh by giving opportunity of hearing to the parties and dispose of the case after hearing on merit in accordance with law.

10. Paragraph 2 of the said order wherein delay has been condoned being kept in mind, this court condones the delay in preferring the appeal before the Commission in order to expedite the hearing of the appeal. The delay is thus condoned. The appeal be disposed of as directed.

11. C.O. 4025 of 2024 stands disposed of

12. Let a copy of this order be sent to the learned NCDRC at once.

13. Urgent Xerox certified copies of this order, if applied for, shall be supplied to the learned counsel for the parties as expeditiously as possible, in compliance of usual formalities.

**( Shampa Dutt (Paul), J. )**