

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1641/2024 CM(4450/2024)

J AND K GRAMEEN BANK AND ANR. ...Petitioner(s)/Appellant(s)

Through: Mr. Shakir Haqani, Advocate

Vs.

ABDUL RASHID GANAIE

...Respondent(s)

Through: Mr. Sami Yaqoob, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDE R

01.05.2025

1. Impugned in this petition filed by the petitioners under Article 226 of the Constitution of India is an order dated 05.06.2024 passed by the J&K State Consumer Disputes Redressal Commission, at Srinagar [for short "the Commission"] in appeal No. 110/19 titled "*J&K Grameen Bank Ltd. and Anr. Vs. Abdul Rashid Ganai*", whereby the Commission has dismissed the appeal of the petitioners being barred by limitation.
2. The impugned order is assailed by the petitioners primarily on the ground that the Commission has not considered the explanation tendered by the petitioners for filing of the belated appeal in the correct perspective.
3. Mr. Shakir Haqani, learned counsel appearing for the petitioners would submit that very cogent and plausible reasons were given in the application seeking condonation of delay of 42 days in filing

the appeal, but the Commission has insisted on explaining each day's delay to seek condonation.

4. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that a delay of 42 days that has occurred in filing the appeal is not substantial and has been well explained by the petitioners in the application filed for condonation of delay.
5. It is submitted by the learned counsel for the petitioners that the impugned order passed by the District Consumer Protection Forum, Srinagar, was pronounced on 12.02.2019, but the file of the case remained at the residence of the Presiding Officer of the Forum for a pretty long time. After the file was received from the residence of the Presiding Officer of the Forum, a formal application for issuance of certified copy of the order was moved on 25th February, 2019, which was supplied to the petitioners on 30th March, 2019.
6. It is submitted that after obtaining the certified copy of the order and collecting the relevant record, the matter was referred to the Competent Authority in the bank to take an appropriate decision in the matter. In that view of the matter there was a delay of 42 days in filing the appeal. This is how the petitioners have sought to explain the delay.
7. The application for condonation of delay was objected to by the respondents.
8. We have considered the rival contentions and gone through the application for condonation of delay filed before the Commission in its entirety and we are convinced that the petitioners have

successfully demonstrated sufficient cause for filing the appeal beyond the period of limitation. The Commission has not appreciated the matter in the correct perspective and has insisted on explaining each day's delay which was not called for.

9. For the foregoing reasons, we find merit in this petition and the same is, accordingly, allowed. The impugned order passed by the Commission is set aside and the delay in filing the appeal is condoned. The Commission shall proceed to hear the appeal on merits.

10. Let the appeal be taken up for consideration on merits on 02.06.2025.

11. The parties shall appear before the Commission without any notice from the Commission.

12. **Disposed of.**

(VINOD CHATTERJI KOUL)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR:

01.05.2025

"MIR ARIF"

