



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.15489 OF 2023

**SHRIRAM FINANCE LTD.
VERSU
HAMBIR MADHUKAR PAWAR**

...
Mr. V. Y. Bhide, Advocate for the Petitioner.
Mr. G. B. Patunkar, Advocate for Respondent.

...
**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 08th AUGUST, 2025.**

ORDER:-

1. The petitioner impugns order dated 04.07.2023 passed by National Consumer Disputes Redressal Commission, New Delhi (for short 'NCDRC') in Review Application No.126/2023, thereby refusing to condone delay of 68 days caused in filing Review Application against order passed in Revision Petition No.1977/2016.

2. Mr. Bhide, learned Advocate appearing for petitioner submits that respondent had availed loan facility for purchase of Poclain Hyundai Excavator Machine and Rock Breaker from petitioner. Since, he defaulted to repay loan amount, petitioner company had taken steps for recovery of arrears. In pursuance of such steps, machines were re-possessioned from site at Lad-Karanja on 21.11.2014. Subsequently, both machines were auctioned and

amount of sell were adjusted against loan. However, there were further dues of loans.

3. The respondent challenged action of petitioner company by filing Consumer Complaint No.485/2014 before District Consumer Disputes Redressal Forum, Ahmednagar (for short 'DCDRF'), which was allowed vide judgment and order dated 17.07.2015, thereby directing petitioner to return machines to respondent. The petitioner challenged aforesaid order of DCDRF in Appeal before Maharashtra State Consumer Disputes Redressal Commission (for short 'MSCDRC') vide First Appeal No.664/2015. The MSCDRC allowed appeal and quashed and set aside order of DCDRF. Aggrieved respondent filed Revision Petition No.1977/2016 before NCDRC, which was allowed vide judgment and order dated 26.12.2022.

4. According to Mr. Bhide, already Arbitration Award is passed against respondent towards recovery of loans. The respondent had challenged Award by filing Arbitration Application Nos.10/2015 and 11/2015 before learned District Judge at Ahmednagar under Section 34 of the Arbitration and Conciliation Act, 1966. However, both applications have been rejected on merit.

5. The petitioner filed Review Application No.126/2023 against order passed in Revision Petition No.1977/2016 before NCDRC

alongwith application to condone delay of 68 days. However, NCDRC rejected prayer to condone delay. According to Mr. Bhide, there were sufficient reasons for condoning delay. The NCDRC ought to have adopted liberal approach and granted opportunity to petitioner to bring on record correct legal and factual position.

6. The learned Advocate appearing for respondent opposed prayers in petition and submits that delay of about 68 days is not properly explained.

7. Having considered submission advanced, it can be observed that petitioner filed application for Review alongwith application for condonation of delay giving reasons that officer in-charge of legal department was unwell, when order in revision was passed. Further some time consumed for collecting necessary documents and filing application for Review.

8. Perusal of impugned order would suggest that NCDRC refused to entertain reasons for delay condonation on the ground that medical certificate in support of illness of officer is not filed. This Court finds that although reasons mentioned in application is not supported by medical record, there was no specific denial to the reasons as mentioned in application. In such case, it is desirable that delay is condoned by awarding compensatory cost to respondent. Looking to the nature of dispute, this Court deems it

appropriate to allow writ petition to the extent condoning delay of 68 days in filing Review Application No.126/2023 subject to cost of Rs.50,000/- to be deposited with Registry of this Court within period of six weeks from today.

9. On submissions of receipts regarding such deposit, NCDRC is requested to consider and decide Review Application on its own merits. However, in case of failure to deposit cost within stipulated period, impugned order passed by NCDRC shall govern the proceeding.

10. Writ Petition is partly allowed and accordingly disposed of in above terms.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/August-2025