



W.P.No.39863 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Petition No.39863 of 2024

and

Writ Miscellaneous Petition Nos.43190 & 43193 of 2024

R.Titus Thangam,
Proprietor, M/s. Golden Lifts and Services,
B-2/2, Villivakkam SIDCO Industrial IV Main Road,
Chennai – 600 049.

... Petitioner

Vs.

1.National Consumer Dispute Redressal Commission,
Upbhokta Nyay Bhawan,
F-Block, General Pool Office Complex,
INA, New Delhi – 110023.

2.Mr.Vimal Kumar

3.Mrs.Rajani Bai

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus to call for the records and quash
the order dated 06.09.2024 in I.A.No.10840/2024 in F.A.No.558/2024 passed by



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the 1st respondent and direct the same to take the appeal on file and pass orders on the same within a time frame.

For Petitioner : Mr.J.Ram,
For M/s.Norton and Grant
Special Panel Counsel, Government of India

For R1 : Not ready in notice

For RR2 & 3 : Ms.Chandini Raj Kishore

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ on hand has been instituted to assail the order passed by the National Consumer Disputes Redressal Commission, New Delhi in F.A.No.558 of 2024, dated 06.09.2024.

2. The Tamil Nadu State Consumer Disputes Redressal Commission, Chennai passed final orders on 17.11.2022 in C.C.No.106 of 2014. The First Appeal has been preferred before the National Consumer Disputes Redressal Commission with a delay of 490 days. An Interlocutory application has been filed in I.A.No.10840 of 2024, to condone the delay of 490 days in filing the First Appeal. The National Consumer Disputes Redressal Commission



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elaborately considered the reasons stated for condoning the enormous delay in filing the First Appeal. The reason stated is that the learned counsel, who conducted the case before the State Consumer Forum, died in the year 2015 and therefore, the petitioner was not in a position to secure the order copy and file an appeal before the National Consumer Disputes Redressal Commission. The National Consumer Disputes Redressal Commission found that the learned counsel died in the year 2015 and next 5 to 6 years, the petitioner has not initiated any steps to ascertain the status of the case, pending before the State Consumer Disputes Redressal Commission. Thus, the reason was found unacceptable.

3. Un-condonable delay cannot be condoned by the Courts in a routine manner. Meagre delay in institution of petitions can be condoned by taking a lenient view. However, enormous delay in filing the appeals need not be entertained, unless the reasons stated for delay are candid and convincing. Mechanical approach in condonation of delay would cause prejudice to the interest of the other parties, who have to contest the case after long delay. Thus, the balance of convenience required that Courts condone the delay only if the reasons stated are convincing.



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4. In the present case, the National Consumer Disputes Redressal Commission has elaborately considered the reasons and found that those reasons are unacceptable and rejected the condone delay petition. This Court, do not find any reason to interfere with the findings, since the findings are inconsonance with the established principles.

5. Thus, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are also stands dismissed.

(S.M.S., J.) (K.R.S., J.)
25.03.2025

ssi
Index: Yes
Speaking Order: Yes/No
Neutral Citation Case : Yes/No



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To:

- 1.National Consumer Dispute Redressal Commission,
Upbhokta Nyay Bhawan,
F Block, General Pool Office Complex,
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