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

+ W.P.(C) 4394/2025 and CM APPLs.20283/2025, 32445/2025
THE ESTATE OFFICER HSVP SONIPAT & ANRPetitioners
Through: Mr. Lokesh Sinhal, Advocate
(through VC)

versus

RAJAN BHATIARespondent
Through: Mr. Rajan Bhatia, respondent in
person.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

16.09.2025

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1. The present petition has been filed by the petitioner assailing orders passed by the District Consumer Disputes Redressal Commission (DCDRC), Delhi State Consumer Disputes Redressal Commission (DSCDRC), and the National Consumer Disputes Redressal Commission (NCDRC).
2. By way of the judgment dated 07.11.2022 passed by the DCDRC-I (North District), it was, *inter-alia*, directed as under:-

“In view of the deficiencies in service on the part of OPs, as discussed above, we direct the OP-2 – The Chief Administrator, Haryana Shehri Vikas Pradhikaran Panchkula, Haryana to:-

1. *refund the excess collection of extension fee of Rs.32400/- (Rupees Thirty two thousand four hundred only) made for the year 2018 with interest @9% per annum from the date of collection on 20-3-2018 till the date of payment to the Complainant within 30 days from the receipt of this order.*
2. *refund the excess collection of extension fee of Rs.1,13,400/- (Rupees One Lakh Thirteen Thousand Four Hundred Only) made for the year 2019 with interest @9% per annum from the date of collection on 1-3-2019 till the date of payment to the Complainant*



within 30 days from the receipt of this order.

3. Pay Rs.50,000/ (Rs. Fifty thousand only) to the complainant as Compensation for mental pain/agony and harassment caused to him.”

3. The aforesaid directions have been issued in the context of Plot allotted to the respondent/ Sh. Rajan Bhatia, in Sector-12, Sonipat by the petitioners under a Government Scheme, where the complainant allegedly failed to complete construction within the stipulated two-year period as per the allotment letter, resulting in levy of extension fees.

4. Admittedly, the said order passed by the District Commission was appealable before the Delhi State Consumer Disputes Redressal Commission (DSCDRC).

5. Since the impugned order of DCDRC was passed on 07.11.2022, the statutorily prescribed period of limitation expired on 22.12.2022, however, it transpires that the petitioner appellant applied for the certified copy of the order dated 07.11.2022 only on 19.10.2023. The appeal before the DSCDRC, filed on 13.06.2024, was delayed by a period of 539 days. These dates have been taken note of in the impugned order passed by the State Commission.

6. The DSCDRC, after taking note of the utter laxity on the part of the petitioner in pursuing the appellate remedy, concluded as under:

“7. A perusal of the aforesaid statutory position reflects that the appeal against an order should be preferred within a period of forty five days from the date of impugned order. On perusal of record before us, it is clear that the impugned order was pronounced on 07.11.2022 and the present appeal was filed on 13.06.2024 i.e. after a delay of 539 days.

12. Reverting to the material available before us, we find that the impugned order was passed on 07.11.2022 and the period of limitation starts from the date of order which had expired on 22.12.2022. However, the reasons stated for the delay are that vide letter dated 13.06.2023 the



appellant engaged a counsel on 13.06.2023 for filing the appeal who has not prepared the appeal on time and the same was prepared in the month of February, 2024; thereafter the appeal was filed on 05.02.2024 but due to some objection directed by the registry of this Commission, the appeal was not approved; neither counsel has removed the objections nor he has informed the appellant regarding removal of objections; thereafter the appellant engaged a fresh counsel for filing the appeal and withdrew engagement of previous counsel on 02.05.2024 and the fresh engaged counsel dedicated time to draft the appeal and obtain approval from the appellant.

13. A perusal of Annexure A-1 i.e. extra certified copy of impugned order shows that the appellant has applied for certified copy on 19.10.2023, it was prepared and delivered on the same day i.e. 19.10.2023. Even if we consider that the appellant has received the copy of the impugned order on 19.10.2023, in this circumstance also, the appellant was expected to file the appeal within the limitation period i.e. by 23.11.2023. Thus, still there is delay of 193 days in filing the appeal.

14. As per para 4 of the application, the appellant has engaged a counsel to file the appeal who prepared the appeal in the month of February, 2024. However, the appellant has remained silent to mention what steps have been taken by their counsel till February, 2024 to prepare the draft for filing the appeal. No specific date of February, 2024 has been mentioned. The appellant is even silent about the name of counsel who was initially appointed/ engaged.

15. The appellant has averred in para 4 of the application that they have engaged fresh counsel on 13.06.2024 for filing the appeal. On the other hand, the appellant has preferred not to disclose the reasons as to why they took too much time to engage a fresh counsel for filing the appeal whereas the impugned order was pronounced on 07.11.2022.

16. The appellant has not mentioned name as well as details of erstwhile counsel who had to remove the objections raised by the registry of this Commission and who had not informed the appellant regarding the removal of objections. It has also not been averred as to the specific date when previous appeal was filed, its diary number etc. and any reason as to why objections have not been removed and on the other hand, fresh/present appeal has been filed. It is pertinent to mention that even in the appeal also, the factum of filing any appeal in February, 2024 which was rendering for removal of objections as averred in para 4 of appeal under disposal has been mentioned.

17. Furthermore, even if we assumed that the said delay was on behalf of red tape in the bureaucratic machinery, the reasons submitted by the appellant cannot be justification for condoning such delay. Our view is further fortified by decision of the Apex Court in the case of **Office of the Chief Post Master General and Ors. Vs. Living Media India Ltd. and Ors.** reported in AIR 2012 SC 1506, wherein the apex court has held as



under:

“12.The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.

13. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment.

Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few. ”

18. Relying on the above settled law and considering the fact that there was no proper explanation offered by the appellant for the delay except inculcating the government lengthy approval procedures. According to us, the appellant has miserably failed to give any acceptable and cogent sufficient reasons to condone such delay. As a result, it is abundantly clear from the above that the appellant was moving at its own pace unmindful that the prescribed period to file an appeal is 45 days from the date of impugned judgment.

19. Therefore, the application (IA-1767/2024) filed by the appellant seeking condonation of delay cannot be admitted and accordingly, the same is dismissed on the above grounds.

20. Consequently, the present appeal filed beyond the statutory period also stands dismissed. However, in the facts of the case, there shall be no order as to cost.

21. File be consigned to record room.”

7. Against the said order dated 24.06.2024 passed by the State Commission, a revision petition was preferred before the NCDRC, which was also dismissed vide order dated 02.09.2024. The said order reads as under:

“ORDER

Learned Counsel for the Petitioner submitted that he has filed his Revision Petition against the Order of Delhi State Consumer Disputes



Redressal Commission dated 24.06.2024 which dismissed his appeal on grounds of limitation as the same was filed with the delay of 193 days. He further submitted that he could not file his written version against the complaint filed by the Respondent before the District Consumer Disputes Redressal Commission-I (North District). He further submitted that he could not be heard on merits by the District Commission on account of some unauthorised Counsel appearing on behalf of the Opposite Party / Petitioner who had not been given Vakalatnama by the Petitioner. He submitted that the learned Counsel who was authorised was Mr. Rajiv Kumar Kuhar who never appeared before the District Commission.

When he was questioned what action has been taken against their authorised Counsel who chose not to appear before the District Commission and who also did not inform about the Order of the District Commission, the learned Counsel submitted that only an explanation was called which has not been replied by the Counsel.

This explanation of the learned Counsel does not appear to be satisfactory. Perused of record also shows a casual manner in which the matter has been taken up by both the Petitioner Authority as well as their Counsel. When an explanation has not been received from the concerned Counsel, the Petitioner has not taken up any concrete action against such Counsel including filing of an appropriate Complaint or removing the said Counsel from their panel of advocates. In such situation, it is difficult to entertain this Petition.

It is our considered opinion that such kind of Petition at this belated stage cannot be entertained as it shows utter lack of sincerity on the part of the Petitioner in pursuing the matter. It has not been denied that the Petitioner did not receive the notice of the Complaint filed by the Respondent. When a notice has been received, taking recourse or ground that the Counsel has not acted in good faith or has not acted at all does not appear to be a sufficient cause for entertaining such Revision Petition. The same attitude has prevailed even at the stage of filing of Appeal before the State Commission which has rightly dismissed the Appeal on ground of being barred by limitation. This Commission cannot be a substitute for the District and State Commission.

In view of the aforesaid, we dismiss the Revision Petition in limine.”

8. A perusal of the order dated 02.09.2024 reveals no error apparent on the face of the record, or any infirmity warranting interference in these proceedings under Article 226 of the Constitution of India.



9. The factual matrix reveals that the appellate remedy invoked by the petitioner against the judgment dated 07.11.2022 passed by the District Consumer Disputes Redressal Commission was hopelessly time-barred. The delay of 539 days in filing the appeal cannot be explained away by attributing the same to ‘negligence’ or ‘oversight’ on the part of the counsel.

10. In the circumstances, the statutory appeal filed by the petitioner was rightly dismissed by the State Commission. Nothing amiss is found in the order passed by the State Commission.

11. The National Consumer Disputes Redressal Commission, while dismissing the revision petition *vide* order dated 02.09.2024, rightly observed that there was “utter lack of sincerity on the part of the Petitioner in pursuing the matter”.

12. It is further noted that the present writ petition has been filed nearly six months after the said order, reinforcing the pattern of delay and lack of diligence.

13. It is evident that at every stage, the petitioner has been remiss in prosecuting the matter with the diligence that is required.

14. In the circumstances, no merit is found in the present petition, the same is, accordingly, dismissed. The pending applications also stand disposed of.

SACHIN DATTA, J

SEPTEMBER 16, 2025/r