

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 1057 OF 2022

(Against the Order dated 25/04/2022 in Appeal No. 304/2022 of the State Commission
Punjab)

1. SHER SINGHPetitioner(s)

Versus

1. MANAGER, THE NEW INDIA ASSURANCE COMPANY
LIMITED & ANR.Respondent(s)

BEFORE:

**HON'BLE AVM J. RAJENDRA, AVSM VSM (Retd.),PRESIDING
MEMBER**

FOR THE PETITIONER : FOR THE PETITIONER : MS. MUSKAN GUPTA, ADVOCATE
WITH AUTHORITY

FOR THE RESPONDENT : FOR THE RESPONDENTS : MR. SALIL PAUL, ADVOCATE
MR. SAHIL PAUL, ADVOCATE

Dated : 20 May 2024

ORDER

1. This Revision Petition No.1057 of 2022 is filed challenging the impugned order of the Punjab State Consumer Disputes Redressal Commission, Chandigarh ('State Commission') dated 25.04.2022 wherein the Application seeking condonation of delay vide MA No. 567 of 2022 in Appeal No. FA/304/2022 was dismissed on the ground that the Appellant had not sufficiently demonstrated the reasons for delay of 3074 days as bonafide.

2. As per the Report of the Registry, there is 25 days delay in filing this Revision Petition. Based on the grounds stated in IA No.7796 of 2022, the delay is condoned.

3. Heard the learned Counsel for the Parties and perused the material available on record.

4. The learned Counsel for petitioner asserted that the State Commission erred while dismissing the Appeal on account of delay of 3074 days in filing the same. This delay of 3074 days was neither intentional nor malafide, rather bonafide and the same ought to have been condoned and the First Appeal ought to have been decided on merits by the learned State Commission, as the Petitioner has a good case on merits.

5. The learned Counsel for the Respondents argued in favour of the impugned orders passed by the Fora Below.

6. Perusal of the records reveals that the copy of MA No.567/2022 seeking Condonation of delay in filing the Appeal No.304/2022 before the State Commission has not been placed on record by the Petitioner.

7. As regards scope for condonation delay, the Hon'ble Apex Court in "**Ram Lal and Ors. vs. Rewa Coalfields Limited, AIR 1962 Supreme Court 361**" has held as follows:

"It is, however, necessary to emphasize that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a discretionary jurisdiction vested in the Court by S.5. If sufficient cause is not proved nothing further has to be done; the application for condonation has to be dismissed on that ground alone. If sufficient cause is shown then the Court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the Court may regard as relevant."

8. The test which is to be applied while dealing with such a case is whether the petitioner acted with reasonable diligence. Hon'ble Supreme Court in "**RB Ramlingam vs. RB Bhavaneshwari, I (2009) (2) Scale 108**" has held:

"We hold that in each and every case the Court has to examine whether delay in filing the special appeal leave petitions stands properly explained. This is the basic test which needs to be applied. The true guide is whether the petitioner has acted with reasonable diligence in the prosecution of his appeal/petition."

9. Hon'ble Supreme Court in "**Anshul Aggarwal vs. New Okhla Industrial Development Authority, (2011) 14 SCC 578**" has held:-

"while deciding the application filed, for condonation of delay, the Court has to keep in mind that the special periods of limitation have been prescribed under the Consumer Protection Act, for filing appeals and revisions in consumer matters and that the object of expeditious adjudication of the consumer disputes will get defeated, if the highly belated appeals and revision petitions are entertained".

10. To condone such delay in filing, the Petitioner needs to satisfy this Commission that there was sufficient cause for preferring the Revision Petition/Appeal after the stipulated period. The term 'sufficient cause' was explained by the Apex Court in **Basawaraj and Ors. Vs. The Spl. Land Acquisition Officer AIR 2014 SC 746** that:-

“9. Sufficient cause is the cause for which Defendant could not be blamed for his absence. The meaning of the word “sufficient” is “adequate” or “enough”, in as much as may be necessary to answer the purpose intended. Therefore, the word “sufficient” embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, “sufficient cause” means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has “not acted diligently” or “remained inactive”. However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any “sufficient cause” from prosecuting his case, and unless a satisfactory application is furnished, the court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose.”

11. In **Anil Kumar Sharma vs. United Indian Insurance Co. Ltd. & Ors** reported in **IV(2015)CPJ453(NC)**, the NCDRC held:-

“12..... we are not satisfied with the cause shown to justify the delay of 590/601 days. Day to day delay has not been explained. Hon’ble Supreme Court in a recent judgment of Anshul Aggawal vs. New Okhla Industrial Development Authority, IV (2011) CPJ 63 (SC) has held that while deciding the application filed for condonation of delay, the Court has to keep in mind that special period of limitation has been prescribed under the Consumer Protection Act, 1986, for filing appeals and revisions in consumer matters and the object of expeditious adjudication of the consumer disputes, will get defeated if the appeals and revisions, which are highly belated are entertained.”

12. The Hon’ble Supreme Court in **Lingeswaran Etc. Vs Thirunagalingam in Special Leave to Appeal(C) Nos. 2054-2055/2022** decided on **25.02.2022** has held that:-

“5. We are in complete agreement with the view taken by the High Court. Once it was found even by the learned trial Court that delay has not been properly explained and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be dismissed. The approach adopted by the learned trial court that, even after finding

that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches. At this stage, the decision of this Court in the case of Popat Bahiru Goverdhane vs. Land Acquisition Officer, reported in (2013) 10 SCC 765 is required to be referred to. In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same.”

13. Hon’ble Supreme Court in **Pathapati Subba Reddy (Died) By LRs. & Ors. Vs The Special Deputy Collector (LA), Civil Special Leave Petition (Civil) No. 31248 of 2018** decided on **08.04.2024** held:-

“30. The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in the case of Basawaraj (supra).”

14. From the above orders of the Hon’ble Apex Court, it is clear that ‘**sufficient cause**’ means that the party should not have acted in a negligent manner or there was a want of *bona fide* on its part and that the applicant must satisfy that he was prevented by any “sufficient cause” from prosecuting its case. Unless a satisfactory explanation is furnished, a Court should not normally allow the application for condonation of delay under this Act.

15. In the present case, the Petitioner admittedly filed the Appeal before the State Commission with the delay of 3074 days. The impugned order of the District Forum passed on 24.09.2013. The prescribed period of limitation for filing the Appeal is 30 days which lapsed on 23.10.2013. However, the First Appeal filed before the State Commission only on 20.04.2022. Therefore, there was a delay of 3074 days in filing the FA before the State Commission. After hearing the arguments on behalf of the Petitioner, I do not find any specific dates or necessary details mentioned as to what were the reasons for not filing the Appeal within time. These details were essential for consideration for condonation of delay

and were not provided. Therefore, I am of the considered view that the learned State Commission has rightly not condoned the delay.

16. In view of the foregoing discussions, I do not find any illegality and irregularity in the impugned Order dated 25.04.2022 passed by the learned State Commission. Therefore, the present Revision Petition No.1057 of 2022 is **Dismissed**. No order as to costs.

17. All pending Applications, if any, stand disposed of accordingly.

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AVM J. RAJENDRA, AVSM VSM (Retd.)
PRESIDING MEMBER