

Pradeep Kumar Vs. the Assistant Finance Officer, Delhi Vidyut Board

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Sep-06-2000

Judge : Lokeshwar Prasad, President & the Honourable Ms. Justice Rumnita Mittal, Member

Appeal No. : Appeal Nos. A-1991, A-1992 & A-1993 of 2000

Appellant : Pradeep Kumar

Respondent : The Assistant Finance Officer, Delhi Vidyut Board

Judgement :

Lokeshwar Prasad, President:

1. Since all the abovementioned three appeals have common facts and raise common question of law, the same have been heard together and are being disposed of by this common order.

2. The facts, relevant for the disposal of the abovementioned appeals, lie in a narrow compass. The appellants in all the abovementioned appeals had filed separate complaints under Section 12 of the Consumer Protection Act, 1986 (hereinafter referred to as the Act) before District Forum (East) alleging deficiency in service on the part of the respondent. The learned District Forum vide impugned orders has held that there was no deficiency in service on the part of the respondent and on the above ground has dismissed the complaints, filed by the

appellants.

3. Feeling aggrieved, the appellants have preferred the abovementioned appeals under Section 15 of the Act.

4. We have heard the learned Counsel for the appellants on the question of admission of the abovementioned appeals at length and have also carefully gone through the documents/material on record. In terms of the provision contained in Section 15 of the Act, a person, aggrieved by an order, made by District Forum, can prefer an appeal against such order to the State Commission within a period of 30 days from the date of the order. Admittedly, the abovementioned appeals have not been filed within the prescribed period of 30 days and have been filed after the expiry of the period of 30 days. Proviso to Section 15 of the Act, provides that the State Commission may entertain an appeal even after the expiry of the period of 30 days, if it is satisfied that there was sufficient cause for not filing the same within the abovesaid period. Alongwith the appeals, the appellants have also filed separate applications seeking condonation of delay and in the applications seeking condonation of delay in filing the appeals the following common ground has been taken by the appellants in para 2 of the applications which reads as under :

That the appeal could not be filed by the applicant in time due to heavy work-load on the Counsel of the applicant as he is looking after the heinous cases as amicus-curiae in different Sessions Courts, at Karkardooma Court on day-to-day basis.

5. The question requiring consideration at the threshold is as to whether the appellant have shown sufficient cause for not filing the appeals in time within the meaning of proviso to Section 15 of the Act.

6. The words sufficient cause, occurring in proviso to Section 15 of the Act, are of utmost significance. As per settled law, culled out from various judicial decisions, the above expression sufficient cause, though deserves to receive a liberal interpretation, yet, a just and equitable balance has to be maintained between the right secured by the respondent as a result of expiry of the prescribed period of

limitation and the injustice of depriving the appellant of adjudication of his grievances on the merit of his appeal for causes beyond his reasonable control, which means the cause is bona fide and beyond the control of the appellant. Though, no hard and fast line can be drawn as to what affords sufficient cause in a given case, yet, again, as per settled law, any cause which prevents a person from approaching the Court within time is sufficient cause. In doing so, it is the test of a reasonable man in normal circumstances which has to be applied.

7. If the above criterion is applied to the present cases, it is noticed that the applications filed by the appellants, seeking condonation of delay in filing the abovementioned appeals miserably fails to meet the above requirement because the reason stated for not filing the appeals in time is the heavy workload of the Counsel for the appellants which by no stretch of imagination can be treated or termed as a sufficient cause within the meaning of proviso to Section 15 of the Act. Moreover, in the applications no details are given as to when the files in question were entrusted to the Counsel for the appellants and in which cases he was busy during the intervening period. No affidavit of the concerned Advocate has been filed stating that he could not file the appeals in time due to heavy work-load. It has been held by the National Commission in case Vice Chairman, Delhi Development Authority v. O.P. Gaba, reported as III (1995) CPJ 18 (NC)=1986-1996 CONSUMER 2731 (NS), that proof of sufficient cause is a condition precedent for the exercise of discretion and delay in filing the appeal cannot be condoned as a matter of generosity.

In the presence of the above facts and the position explained above, in our opinion, whatever liberal interpretation might be put on the word sufficient cause, it would be impossible for us to hold that there was no negligence or want of bona fides on the part of the appellants. In our opinion, the appellants have miserably failed to show sufficient cause for condoning the delay and, therefore, the applications seeking condonation of delay in filing the present appeals, are hereby rejected.

8. The present appeals, filed by the appellants, besides being barred by limitation are also devoid of substance on merits. As already stated, it has been held by the

learned District Forum in the impugned orders that there was no deficiency in service on the part of the respondent and on the above ground the complaints filed by the appellants before the District Forum under Section 12 of the Act, have been dismissed. In our opinion, in the given facts, the above findings of the learned District Forum suffer from no infirmity so as to call for any interference by this Commission in exercise of its appellate powers.

9. Thus, viewed from all angles, the above-mentioned appeals, filed by the appellants, are devoid of substance. The same merit dismissal. Accordingly, the same are dismissed in limine with no order as to costs.

10. The appeals stand disposed of in above terms.

Appeals dismissed in limine.

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