

(2024) 11 NCDRC CK 0073

National Consumer Disputes Redressal Commission

Case No: Revision Petition No. 2869 Of 2024

Shrikant Agarwala

APPELLANT

Vs

Gayatri Devi & Ors

RESPONDENT

Date of Decision: Nov. 22, 2024

Hon'ble Judges: Binoy Kumar, Presiding Member; Saroj Yadav, Member

Bench: Division Bench

Advocate: Pawan Kumar Ray, Samarth Agrawal

Final Decision: Disposed Of

Judgement

Learned Counsel for the Petitioner submitted that he has filed this Revision Petition against the Order of the West Bengal State Consumer Disputes Redressal Commission (for short 'State Commission') dated 11.07.2024 wherein his Appeal was dismissed on grounds of limitation as the State Commission did not consider there to be any sufficient cause for filing of the Appeal beyond the statutory period by 132 days. He further submitted that even the District Consumer Disputes Redressal Commission, Howrah (for short 'District Commission') heard the matter ex-parte.

A perusal of the Order of the District Commission dated 31.01.2023 reveals that though the Opposite Parties were served but on "non taking of steps from the end of the OPs, case was ordered to be heard ex-parte against the OPs." The District Commission had allowed the Complaint and directed the OPs to execute a Registered Deed of Sale in favour of the Complainant for property in question along with compensation of Rs.1,50,000/- to be paid towards mental harassment and agony.

Learned Counsel further submitted that he was not heard on merits and an opportunity be provided to him to argue the matter on merits before the State Commission. He submitted that there are certain amounts which are due from the Respondent No.1/Complainant and

therefore, he needs to be heard on merits.

On hearing the arguments and a perusal of record, no doubt the Petitioner has not been heard but the fact remains that it was on his own free will that he did not appear before the District Commission despite service of notice which has been duly recorded in the Order of the District Commission.

Accordingly, we remand this matter to the State Commission to hear the matter on merits subject to the condition that costs of Rs.10,000/- shall be paid in the legal aid fund A/c of the State Commission and Rs.25,000/- be paid to the Complainant.

The Order of the State Commission is set aside.

Parties to appear before the State Commission on 21.01.2025.

The Revision Petition is accordingly disposed of.