

Sandeep Laxman Kanase Vs Morya Enterprises

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: Sept. 12, 2011

Citation: 2011 0 NCDRC 609 : 2011 4 CPJ 178 : 2011 4 CPR 339

Hon'ble Judges: Anupam Dasgupta J.

Final Decision: Revision petition is dismissed

Judgement

1. THIS revision petition challenges the order dated 06.07.2010 of the Maharashtra State Consumer Disputes Redressal Commission, Mumbai (in

short, the State Commission) in first appeal no.290 of 2008. By this order the appeal of the present petitioner (original complainant) against the

order dated 05.01.2007 of the District Consumer Disputes Redressal Forum, Satara (in short, the District Forum) was dismissed. The District

Forum had dismissed the complaint on the ground that the complainant had not been able to substantiate his allegations on the basis of any

documentary evidence.

2. I have heard Mr. Balasaheb Deshmukh, learned counsel for the petitioner.

The revision petition has been filed after a delay of 164 days. The ground cited in the application for condonation of delay is that the petitioner has

been suffering from Hemorrhoids since August 2010, which prevented him from filing the revision petition in time. A medical certificate dated

11.03.2011 has also been enclosed which is to the effect that the petitioner was under treatment for the last three months. Even if this is accepted

at face value, there is no explanation as to why no action was taken to file the revision petition after 27.07.2010, when he admittedly received the

copy of the State Commissions impugned order. Thus, this application does not show sufficient cause which may justify condonation of this

inordinate delay. The revision petition is, therefore, liable to be dismissed on the ground of delay alone. Even then, I have considered the merits of

the matter.

The petitioner/complainant had approached the District Forum against the respondent alleging that he had purchased some welding and other

machines from the latter and that soon thereafter the machines developed defects. Though he handed over the defective welding machine to the

respondent for repairs/replacement, the latter did not do the needful. The respondent, however, denied each allegation. In its detailed order, the

District Forum discussed how the complainant was unable to substantiate any of the allegations based on the documents that were produced. The

State Commission, after consideration of the pleadings, evidence and documents on record, also came to the same conclusion and dismissed the

appeal of the petitioner/complainant. I have no reason to take a different view.

3. ACCORDINGLY, the revision petition is dismissed, there being no jurisdictional error, illegality or material irregularity in the impugned order of

the State Commission to warrant intervention under section 21(b) of the Consumer Protection Act, 1986.