

(2012) 12 SC CK 0096

SUPREME COURT OF INDIA

Case No: Petition for Special Leave to Appeal (Civil) 0 of 2012 (CC 21687/2012)

Rajasthan Housing Board & Ors.

APPELLANT

Vs

Sandeep Kumar Sharma

RESPONDENT

Date of Decision: Dec. 14, 2012

Citation: (2012) 254 CTR 110 : (2012) 349 ITR 697 : (2012) 210 TAXMAN 252

Hon'ble Judges: Mr. G.S. Singhvi and Mrs. Gyan Sudha Misra, JJ.

Bench: Division Bench

Advocate: Mr. Shantanu Sagar, Mr. Prakhar Nishant and Mr. Milind Kumar, Advocates, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. Delay condoned.
2. Feeling aggrieved by refusal of the National Consumer Disputes Redressal Commission to condone 162 days" delay in the filing of revision against the order of the State Consumer Disputes Redressal Commission, the petitioners have filed this petition.
3. We have heard learned counsel for the petitioners and carefully perused the record.
4. The State Commission took into consideration the default committed by the respondent in paying the balance amount in lieu of allotment of MIG flat on hire-purchase basis but held that the petitioners were guilty of deficiency in service and directed them to hand over possession of the flat subject to payment of Rs. 15,15,508/-.
5. The National Commission dismissed the revision as barred by time by recording the following observations:

"The only reason given for condonation of delay is that the instructions for filing the revision petition were given on 9.6.2011. Office of the counsel was contacted in the second week of December 2011 and the revision petition was filed after getting the documents translated in English on 27.1.2012. We are not satisfied with the cause shown. Delay between 9.6.2011 when the instructions were issued for filing the revision petition and December 2011 when the counsel for the petitioner was contacted to file the revision petition has not been explained. Day to day delay has to be explained. Application for condonation of delay is dismissed. Consequently, the Revision Petition is dismissed as barred by limitation."

6. In our view, the discretion exercised by the National Commission for declining the petitioners' prayer for condonation of delay does not suffer from any legal infirmity and the possibility of this Court forming a different opinion in the matter of condonation of delay cannot justify interference with the impugned order under Article 136 of the Constitution.

7. The special leave petition is accordingly dismissed.