

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4104 OF 2022
[@ SPECIAL LEAVE PETITION (C) NO. 6489 OF 2022]

MANAGER, INDUSIND BANK LIMITED & ANR. Appellant (s)

VERSUS

SANJAY GHOSH Respondent(s)

O R D E R

Leave granted.

The challenge in the present appeal is to an order passed by National Consumer Disputes Redressal Commission (NCDRC) on 09.05.2019, whereby delay of 67 days in filing the revision before it, was not condoned.

None has put in appearance on behalf of the respondent, although notice was served upon the respondent.

After hearing the learned counsel for the appellants, we find that delay in filing the revision was not huge, that should not have been condoned under the Consumer Protection Act, 1985. The question of limitation is not to be examined with a view to decline the condonation, but to do substantial justice.

In view of the said fact, the appeal is allowed. The order passed by the NCDRC is set aside. The delay in filing the revision is condoned. The matter is remitted back to the NCDRC for decision on merits.

Pending interlocutory application(s), if any,
is/are disposed of.

.....J.
[HEMANT GUPTA]

.....J.
[V. RAMASUBRAMANIAN]

New Delhi;
MAY 17, 2022.

ITEM NO.37

COURT NO.10

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6489/2022

(Arising out of impugned final judgment and order dated 09-05-2019 in RP No. 920/2019 passed by the National Consumers Disputes Redressal Commission, New Delhi)

MANAGER, INDUSIND BANK LIMITED & ANR.

Petitioner(s)

VERSUS

SANJAY GHOSH

Respondent(s)

(IA No. 46128/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 17-05-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. M. Yogesh Kanna, AOR
Mr. Rajarajeshwaran S., Adv.
Ms. P. G. Gangadarsana, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Civil Appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER

(Signed order is placed on the file)