



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3601]

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

**THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
CHINTALAPUDI**

WRIT PETITION NO: 18674/2026

Between:

1.KOMMB JAYA RAO, S/O. SH. SOMAYYA, R/O. D. NO. MIG-I-360,
APHB COLONY,POTHINA MALLAYYAPALEM, VISAKHAPATNAM,
ANDHRA PRADEESH - 530041

...PETITIONER

AND

1.THE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION, REP. BY ITS REGISTRAR, 18, AKBAR ROAD, NEW
DELHI- 110001.

2.THE STATE CONSUMER DISPUTES REDRESSAL COMMISSION,
REP. BY ITS REGISTRAR, FLOOR, SAI TOWERS, BESIDE SIRIS
COMPANY, ASHOK KUMAR, KANUM, VIJAYAWADA- 520007

3.TOYOTA KIRLOSKAR MOTORS LIMITED, HAVING ITS REG. OFFICE
AT PLOT NO. 1, BIDADI INDUSTRIAL AREA, RAMNAGAR,
KARNATAKA -530041

4.TOYOTA KIRLOSKAR AUTO PARTS PVT LTD, PLOT NO. 1, BIDADI
INDUSTRIAL AREA, RAMNAGAR, KARNATAKA - 530041

5.RADHA MADHAV AUTOMOBILES PVT LTD, REP. BY ITS
AUTHORIZED SIGNATORY, O/O. 4-J 151, NH - 5, PRASADAMPADU,
VIJAYAWADA - 521108

6.LEELA KRISHNA TOYOTA, LEELA KRISHNA AUTOMOBILES PVT.

LTD., REP. BY ITS AUTHORIZED SIGNATORY, O/O. 164/1,
PARADESIPALEM, NH - 5, MADHURAVADA, VISAKHAPATNAM-
530341

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue an appropriate Writ or Order or Direction, more particularly one the nature of WRIT OF CERTIORARI, calling for records relating to the Order dated 17.04.2026 passed by the Respondent i.e. Honble National Consumer Disputes Redressal Commission in SA No.47 of 2026, quash the same as being arbitrary, illegal, non-speaking and violative of Articles 14 and 21 of the Constitution of India, and consequently restore the Order dated 14.11.2025 passed by the 2nd Respondent in F.A.I.A. No.413 of 2025 in F.A. No.210 of 2025and pass

IA NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to suspend the operation of the Order dated 17.04.2026 passed by the P' Respondent in SA No.47 of 2026 pending disposal of the Writ Petition and pass

IA NO: 2 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to dispense with the filing of Certified Copy of Order dated 17.04.2026 passed by the U Respondent i.e. Hon'ble National Consumer Disputes Redressal Commission in SA No.47 of 2026 pending disposal of Writ Petition or to pass

Counsel for the Petitioner:

1.D.SUMANTH

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE PURUSHOTTAM KUMAR
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ORDER: *(per Ravi Nath Tilhari, J)*

Heard Sri D.Sumanth, learned counsel for the petitioner and perused the material on record.

2. The petitioner filed consumer case No.41 of 2023 before the District Consumer Commission at Visakhapatnam (in short 'District Commission'). The same was allowed on 26.07.2024. Respondent No.3 filed First Appeal No. 210 of 2025 before the State Commission. There was a delay of 175 days in filing the appeal. Prayer was made for condonation of delay. The State Commission by order dated 14.11.2025 dismissed the application for condonation of delay observing that the cause shown was not sufficient and consequently dismissed the appeal.

3. Respondent No.3 filed Second Appeal No.47 of 2026. The same has been allowed by the National Consumer Disputes Redressal Commission (in short 'National Commission') which set aside the order of the State Commission and after condonation of delay restored the First Appeal. The National Commission recorded that on careful perusal of the record as also the submissions advanced, it was appropriate to

condone the delay in filing the First Appeal. It also imposed costs of Rs.10,000/- to be paid to the complainant.

4. Challenging the order of the National Commission dated 17.04.2026, the present writ petition has been filed.

5. Learned counsel for the petitioner submits that the National Commission did not record reasons for allowing Second Appeal. The order is non-speaking and deserved to be set aside.

6. The cause shown for the delay in filing the First Appeal was that the appellant-applicant (respondent No.3 herein) had engaged counsel and handed over all the necessary papers for filing the appeal but inspite of repeated negotiations, the appeal could not be filed by the counsel as the father of the counsel had undergone serious ailment, remained hospitalized and died on 11.03.2025. The complainant filed counter to the said affidavit. The State Commission though did not dispute the death of the counsel's father or his being hospitalized till death but recorded that the cause shown was not sufficient to condone the delay. Nothing has been brought on record of the State Commission in Appeal nor in the writ petition to show anything to the contrary to the cause shown.

7. In the matter of condonation of delay and particularly in filing appeal which is the substantive statutory right, a liberal approach is adopted in interpreting 'sufficient cause' to advance the substantial justice and to provide the opportunity of hearing on merits of the matter. The National Commission has interfered with the order of the State Commission on such settled principles of law.

8. It is further well settled that the litigant shall not be made to suffer for the fault of the counsel.

9. The order passed by the National Commission advances the cause of justice and it was satisfied that the cause shown was sufficient. The order condoning the delay does not call for any interference in the exercise of writ jurisdiction under Article 226 of the Constitution of India.

10. The Writ Petition is dismissed.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

PURUSHOTTAM KUMAR CHINTALAPUDI,J

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
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Dated: 20.07.2026
AG