

ITEM NO.12

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (Civil)...../2011
CC 17871/2011(From the judgement and order dated 22/10/2009 in RP No. 756/2006
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

BIHAR STATE HOUSING BOARD & ORS.

Petitioner(s)

VERSUS

YADU VANSH GIRI

Respondent(s)

(With appln(s) for c/delay in filing SLP,c/delay in re-filing SLP)

Date: 11/11/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. S. Chandra Shekhar,Adv.

For Respondent(s)

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

This petition is directed against order dated 22.10.2009 passed by the National Consumer Disputes Redressal Commission whereby the revision preferred by the petitioners against the order of the State Consumer Disputes Redressal Commission, Bihar was dismissed.

The petitioners have also filed applications for condonation of 456 days delay in filing and 149 days delay

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in re-filing the Special Leave Petition.

We have heard learned counsel for the petitioners and perused the record of the case. The delay in re-filing the Special Leave Petition is condoned.

However, we are not

inclined to entertain the prayer made for condonation of 456

days delay in filing the Special Leave Petition. In

paragraphs 3 to 6 of the application, the following averments have been made:

"3. That the Revision Petition bearing No.756 of 2006 was disposed of by this Hon'ble National Commission, Delhi vide its order dated 22.10.2009. On getting the information regarding the disposal of the case, the counsel for the Housing Board was requested immediately to furnish the certified copy of the order passed by the Hon'ble Commission.

4. That the copy of the order dated 22.10.2009 passed by the National Commission was made available to the Housing Board on 24.11.2009 through the counsel of the Housing Board who had received the same from the registry of the National Commission, Delhi and sent the same on 21.11.2009.

5. That after the receipt of the certified copy of the order, the matter was discussed in the Housing Board organization at various levels, both horizontally & vertically. After due deliberation and consultation at various levels, it was decided.

6. That during the period of discussion at various levels in office of petitioners the copy of the said order was kept in the file bearing No.V73/99 and the file was sent to the Revenue Section of the Board for calculation by the Legal Section of the Board on 2.12.2009."

In our considered view, the explanation given by the petitioners for delayed filing of the special leave
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petition is wholly unsatisfactory and there is no valid ground much less justification for exercise of power by this Court under Section 5 of the Limitation Act, 1963.

Even on merits, we are satisfied that the impugned order does not suffer from any legal infirmity. The record of the case shows that petitioners had delayed delivery of possession of the flat by four and half years and made a wholly unjustified demand of higher cost from 1988. Therefore, the State Commission and the National Commission were fully justified in issuing directions in the matter of price of the flat.

With the above observations, the special leave petition is dismissed on the ground of delay and also on

merits.

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Court Master