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C.A.No. 1975 OF 1998

ITEM No.105

Court No. 8

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 1975 OF 1998

UNION OF INDIA APPELLANT(S)

VS.

P.S. SANDHU & ORS. RESPONDENT(S)

Date : 17/03/2004 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N.VARIAVA
HON'BLE MR. JUSTICE H.K.SEMA

For Appellant (s)
Mr. S. Kaul, Sr. Adv.
Mrs. Sushma Suri, Adv.
Mr. T.V. Ratnam, Adv.
Ms. O.S.G. Prasana, Adv.

For Respondent (s) Mr. Manoj Prasad, Adv.
Ms. Kamakshi S. Mehlwal, Adv.

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

Appeal is dismissed in terms of the signed order.

Sushma(Jasbir Singh)
(Court Master
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 1975 OF 1998

UNION OF INDIA APPELLANT(S)

VS.

P.S. SANDHU & ORS. RESPONDENT(S)

O R D E R

This appeal has been filed under Article 136 of the Constitution of India against the Judgment dated 17th June, 1997 passed by the National Consumer Disputes Redressal Commission. A preliminary objection is taken that against an order of the National Consumer Disputes Redressal Commission an appeal should have been filed under Section 23 of the Consumer Protection Act.

It was submitted that such an appeal would have to be filed within 30 days and if filed beyond 30 days, an application for condonation of delay would have to be made. It was submitted that the delay could only be condoned if sufficient cause was shown. It was submitted that in this case it has not been shown why the Appeal could not have been filed within 30 days and no application for condonation of delay has been made.

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We see substance in the objection. An appeal should have been filed under Section 23 of the Consumer Protection Act. As no such appeal has been filed within 30 days as set out under Section 23 of the Consumer Protection Act, we see no reason to entertain this Appeal under Article 136. We accordingly dismiss the appeal. We, however leave the question of law open.

.....J
(S.N. VARIAVA)

NEW DELHI.....J
DT.17TH MARCH, 2004(H.K. SEMA)