

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). OF 2011
(arising out of SLP(C)No.22669/2009)

U.P.AVAS EVAM VIKAS PARISHAD AND ANOTHER

Appellant(s)

VERSUS

MEERA ASTHANA

Respondent(s)

O R D E R

Leave granted.

This appeal is directed against order dated 22.4.2009 passed by the National Consumer Disputes Redressal Commission (for short, "the National Commission") whereby the revision preferred by the appellants against the order of the State Consumer Disputes Redressal Commission, Uttar Pradesh (for short, "the State Commission") dismissing the appeal filed by them as barred by limitation, was dismissed.

We have heard learned counsel for the parties and carefully perused the record.

In our view, the explanation given by the appellants for the delay in filing appeal against the order of the District Consumer Disputes Redressal Forum (for short, "the District Forum") was satisfactory and the State Commission gravely erred in declining their prayer for

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condonation of 75 days delay. The National Commission too committed an error by refusing to set aside the order of the State Commission.

In the result, the appeal is allowed, the impugned order as also the one passed by the State Commission are set aside. The delay in filing appeal against the order of the District Forum is condoned. The State Commission shall now decide the appeal on merits after giving opportunity to the

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)