

CASE NO.:  
Appeal (civil) 2822 of 2008

PETITIONER:  
MAHESH BUILDERS

RESPONDENT:  
SACHEETA CO-OP. HOUSING SOCIETY LTD

DATE OF JUDGMENT: 15/04/2008

BENCH:  
ALTAMAS KABIR & MARKANDEY KATJU

JUDGMENT:  
JUDGMENT

O R D E R  
CIVIL APPEAL NO. 2822 OF 2008  
[Arising out of SLP(C) No.12872/2006]

Delay condoned.

Leave granted.

The case of the appellant before us is that while passing the order impugned in F.A No. 64/2005, the National Consumer Disputes Redressal Commission, New Delhi(hereinafter 'the National Commission', for short) did not hear the appellant's counsel on merits but, apart from holding that the appeal was barred by time by 240 days, it also decided the matter on merits.

Having heard learned counsel for the respective parties and having perused the impugned order of the National Commission, we also do not find anything in the order to indicate that the appellant's counsel had been heard on merits.

Even on the question of limitation, it appears that the office report had indicated that the First Appeal was barred .....2.

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by 62 days, but in the body of the order the appeal has been held to be barred by 240 days. There is also nothing to indicate as to how the said figure was arrived at by the National Commission despite the office report.

Accordingly, we set aside the impugned order, condone the delay of 62 days in filing the appeal before the National Commission and remand the matter to the National Commission for hearing the appeal afresh on merits. We make it clear that any observations made herein shall not in any way influence the National Commission in arriving at a fresh decision.

Appeal is disposed of in the above terms.