

SUPREME COURT OF INDIA

Anita Ahuja

Vs.

Banwari Lal

C.A.No.878-80 of 2004

(S. R. Babu and G. P. Mathur JJ.)

09.02.2004

JUDGMENT

1. Leave granted.

2. These appeals arise out of an order made by the National Consumer Disputes Redressal Commission in Revision Petitions filed before it under Section 21(b) of the Consumer Protection Act, 1986. The Commission dismissed the said Revision Petitions on the basis that they had been 'filed belatedly by 90 days' having noticed that the copy of the order was ready as early as on 24.10.2002 and it was collected on 18.12.2002. The contention put forth before us by the learned senior advocate for the appellants is that there is an obligation on the State Commission to communicate the order to the parties free of charge under Sub Rule (9) of Rule 8 of the *Chandigarh Consumer Protection Rules, 1987*. In a similar matter-*Housing Board Haryana vs. Housing Board Colony Welfare Association and others*¹: (NS);, this Court examined the scope of such a Rule and found that the starting point of limitation is the date of communication of the order made by the concerned Forum.

3. In the present case, there has been no communication of the order as such but the same has been collected by the appellants on 18.12.2002. If that date is reckoned as the date of communication, the Revision petition filed before the Commission on 24.2.2003 is within time. Therefore, we set aside the order under appeal and remit the matter to the National Consumer Disputes Redressal Commission for fresh disposal in accordance with law. The appeals are allowed accordingly.

Appeals allowed

¹1986-1996 Consumer 3253 (NS)