

**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION, NEW DELHI**

FIRST APPEAL NO. 197 OF 2026

(Against the Order dated 26/08/2025 in CC No.05 of 2021 of the State Commission UT
Chandigarh)

With

IA/3400/2026, IA/3401/2026 & IA/3402/2026

(Condoation of delay, Exemption from dim documents, Exemption for filing evidence)

Veeresh Berry

.....Appellant

Versus

M/s. Citi Center Developers, VIP Road
Zirakpur, through its authorized representative
& Anr.

.....Respondents

BEFORE:

**HON'BLE AVM J. RAJENDRA, AVSM VSM (RETD.), PRESIDING MEMBER
HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA, MEMBER**

For Appellant : Mr. Jasbir Singh Malik and Ms. Prachi Sohi, Advocates

Dated : 06-04-2026

ORDER

1. As per the record of the Registry, there is a delay of 179 days in filing this First Appeal. Accordingly IA/3400/2026 has been filed by the Appellant seeking Condonation of delay.

2. In the said Application, the appellant has stated that after the order was pronounced, the certified copy was applied for and was made available after some time. The Appellant is a senior citizen aged about 68 years and a retired officer from Indian Oil Corporation, who had taken voluntary retirement to start an independent business which unfortunately could not be commenced due to non-delivery of possession of the commercial units in question. He was under mental stress and financial strain owing to prolonged litigation, continued non-delivery of lawful possession, and partial denial of contractual reliefs despite favourable findings recorded by the State Commission.

3. The Appellant averred that immediately upon receipt of the certified copy of the order, the Appellant approached his counsel for legal advice. Since the matter involved complex issues relating to contractual penalty @2% per month compounded quarterly, unilateral alteration of layout plan, reduction of undivided land share, GST demands and interpretation of statutory provisions under RERA and the Consumer Protection Act, detailed consultations and examination of voluminous record were required. The Appellant was also required to collect complete records including agreements, brochure, correspondence, email communications and other annexures forming part of the record before the State Commission, which consumed considerable time. In the intervening period also witnessed pendency of connected proceedings filed by the Respondents and related developments which required legal evaluation before finalising the present Appeal.

4. The learned counsel for Appellant argued that on 26.08.2025, the impugned order pronounced by the State Commission and in early September 2025, certified copy applied for. The copy was made available in Mid-September 2025, upon receipt of the certified copy, the Appellant, being a senior citizen aged 68 years and suffering continuous financial hardship due to non-delivery of possession since 2016, required time to understand the financial and legal implications of the partial relief granted. Late September 2025 to October 2025, the Appellant was simultaneously required to defend the First Appeal No. 628/2025 filed by the Respondents before this Commission, wherein substantial issues relating to possession, compensation and GST demand were involved. The Appellant had to priorities defending his awarded relief before challenging the denied portion. He argued that in

Oct-Nov 2025, detailed consultations were held with counsel at Delhi. The matter involved complex contractual clauses (2% per month compounded quarterly penalty), reduction of undivided land share, unilateral structural alterations under Section 14 of RERA, and reciprocal penalty jurisprudence. The Appellant stated that he had to retrieve agreements-2014, brochure copies, layout plans, modified sanction plans, email correspondence dated 22.06.2018, clarification letters dated 03.07.2018, photographs, and pleadings filed before the State Commission. The record was voluminous. He argued that in November-December 2025, drafting of the appeal required detailed financial recalculation of contractual penalty @ 2% compounded quarterly on Rs.1.60 Crores from 17.10.2016 onward, which itself required tabulation and legal structuring. He further argued that the Appellant, being dependent on post-retirement savings and without possession of his commercial units since 2016, has been under continuous financial strain and mental stress. The delay is a result of genuine hardship and procedural compilation, not negligence. The appeal raises substantial questions relating to enforceability of reciprocal penalty clauses, reduction of proprietary land share, validity of possession without Occupation Certificate and builder's unilateral deviation and thus the delay was sufficiently explained. The delay was thus purely procedural and attributable to bona fide circumstances and not due to negligence or lack of diligence on the part of the Appellant. The Appellant has a strong prima facie case on merits. The Impugned Order, while partly allowing the complaint, failed to grant substantial and material reliefs. Grave prejudice shall be caused to the Appellant if the delay is not condoned and no prejudice will be caused to the OPs if the delay is condoned. The learned counsel prayed that the delay deserves to be condoned in the interest of justice, equity and fair play.

5. In the present First Appeal, the learned State Commission passed the Impugned Order on 26.08.2025. The limitation for filing the First Appeal before this Commission is 30 days. However, the period of limitation for filing the First Appeal would commence from the date of receipt of the Impugned Order by the Appellant i.e. 26.08.2025, while the limitation lapsed on 25.09.2025. However, the present First Appeal was filed on 23.03.2026. Therefore, there is a delay of 179 days (24.09.2025 to 22.03.2026) in filing of the present First Appeal.

6. The Hon'ble Supreme Court in "**Ram Lal and Ors. vs. Rewa Coalfields Limited, AIR 1962 Supreme Court 361**", has observed:

"It is, however, necessary to emphasize that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a discretionary jurisdiction vested in the Court by S.5. If sufficient cause is not proved nothing further has to be done; the application for condonation has to be dismissed on that ground alone. If sufficient cause is shown then the Court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the Court may regard as relevant."

7. The test which is to be applied while dealing with such a case is whether the appellant acted with reasonable diligence. Hon'ble Supreme Court in "**RB Ramlingam vs. RB Bhavaneshwari, I (2009) (2) Scale 108**" has held:

"We hold that in each and every case the Court has to examine whether delay in filing the special appeal leave petitions stands properly explained. This is the basic test which needs to be applied. The true guide is whether the petitioner/appellant has acted with reasonable diligence in the prosecution of his appeal/petition."

8. The Hon'ble Supreme Court in "**Anshul Aggarwal vs. New Okhla Industrial Development Authority, (2011) 14 SCC 578**" has also observed as under:-

"while deciding the application filed, for condonation of delay, the Court has to keep in mind that the special periods of limitation have been prescribed under the Consumer Protection Act, for filing appeals and revisions in consumer matters and that the object of expeditious adjudication of the consumer disputes will get defeated, if the highly belated appeals and revision petitions are entertained".

9. To condone such delay in filing, the Appellant needs to satisfy this Commission that there was sufficient cause for preferring the First Appeal after the stipulated period. The term 'sufficient cause' was explained by the Apex Court in **Basawaraj and Ors. Vs. The Spl. Land Acquisition Officer AIR 2014 SC 746** that:-

"9. Sufficient cause is the cause for which Defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", in as much as may be necessary to answer the purpose intended. Therefore, the word "sufficient" embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory application is furnished, the court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose."

10. In **Anil Kumar Sharma vs. United Indian Insurance Co. Ltd. & Ors** reported in **IV(2015)CPJ453(NC)**, the NCDRC held:-

"12..... we are not satisfied with the cause shown to justify the delay of 590/601 days. Day to day delay has not been explained. Hon'ble Supreme Court in a recent judgment of Anshul Aggawal vs. New Okhla Industrial Development Authority, IV (2011) CPJ 63 (SC) has held that while deciding the application filed for condonation of delay, the Court has to keep in mind that special period of limitation has been prescribed under the Consumer Protection Act, 1986, for filing appeals and revisions in consumer matters and the object of expeditious adjudication of the consumer disputes, will get defeated if the appeals and revisions, which are highly belated are entertained."

11. The Hon'ble Supreme Court in **Lingeswaran Etc. Vs Thirunagalingam** in **Special Leave to Appeal(C) Nos. 2054-2055/2022** decided on **25.02.2022** has held that:-

*"5. We are in complete agreement with the view taken by the High Court. **Once it was found even by the learned trial Court that delay has not been properly explained and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be dismissed. The approach adopted by the learned trial court that, even after finding that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and laches.** At this stage, the decision of this Court in the case of **Popat Bahiru Goverdhane vs. Land Acquisition Officer**, reported in (2013) 10 SCC 765 is required to be referred to. In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same."*

12. Hon'ble Supreme Court in **Pathapati Subba Reddy (Died) By LRs & Ors. Vs The Special Deputy Collector (LA), Civil SLP (Civil) No. 31248 of 2018** decided on **08.04.2024** held:-

“30. The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in the case of Basawaraj (supra).”

13. From the above orders of the Hon'ble Apex Court, it is clear that **'sufficient cause'** means that the party should not have acted in a negligent manner or there was a want of *bona fide* on its part and that the applicant must satisfy that he was prevented by any "sufficient cause" from prosecuting its case. Unless a satisfactory explanation is furnished, a Court should not normally allow the application for Condonation of delay under this Act.

14. Examination of the material on record and arguments advanced by the learned Counsel reveals that the impugned order in the case was passed on 26.08.2025 and the period of limitation, commenced from the date of receipt of the order on 26.08.2025, while the limitation lapsed on 25.09.2025. It is an admitted position that the present FA No. 197 of 2026 against the order of the learned State Commission dated 26.08.2025 was filed on 23.03.2026. Therefore, there is a delay of 179 days (24.09.2025 to 22.03.2026) in filing of the present First Appeal which the Appellant need to explain as required under law.

15. It is a clear position that while the limitation lapsed on 25.09.2025, it is stated that the Appellant was expected to file the same within the stipulated limitation period, whereas, the FA was filed on 23.03.2026. Thus, there was delay of 179 days which needs to be explained by the Appellant. However, they failed to show sufficient reason or cause for delay of each day as required under the law. The reasons stated in the instant case are routine in nature and grossly inadequate to justify such protracted delay. There is no justification for such undue delay while facts of the case are otherwise already known to the Appellant. The reasons explained do not reflect that the Appellant has taken actions necessary under law in time. With due regard to statutory provisions, precedents discussed above and the facts of the case, the Appellant failed to show sufficient cause for such undue delay in filing the present Appeal. Therefore, the prayer in Application filed seeking Condonation of delay cannot be granted and thus, the same is disallowed on the above grounds.

16. In view of the foregoing, the application i.e. IA/3400/2026 filed by the Appellant is disallowed. Consequently, the First Appeal No.197 of 2026 is **dismissed**.

17. All pending Applications, if any, also stand disposed of accordingly.

Sd/-

.....
(AVM J. RAJENDRA, AVSM VSM, Retd.)
PRESIDING MEMBER

Sd/-

.....
(ANOOP KUMAR MENDIRATTA, J.)
MEMBER

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