



IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI

(Through Hybrid Hearing)

REVISION PETITION NO.799 OF 2026

(Against the order dated 11.04.2022 in Appeal No.2470/2014
of the State Consumer Disputes Redressal Commission, U.P.)
with

NC/IA/8222/2026, NC/IA/8223/2026, NC/IA/8224/2026, NC/IA/8225/2026
(CONDONATION OF DELAY, STAY,
EXEMPTION OF FILE TYPED COPIES OF DOCUMENTS,
EXEMPTION FROM FILING THE CERTIFIED COPY)

M/s. Koncept Automobiles Pvt. Ltd.

..... Petitioner

Versus

M/s. BR Tourism & Anr.

..... Respondents

BEFORE:

HON'BLE MRS. JUSTICE SAROJ YADAV, PRESIDING MEMBER

For the Petitioner

: Mr. Sahil Sethi, Advocate
Ms. Arushi Mann, Advocate
Mr. Vikash Kumar, Advocate
Mr. Narender, AR

For the Respondents

: Mr. Nikhil Jain, Advocate
Ms. A. Sekhon, Advocate

Dated : 20.07.2026

ORDER

Heard the learned Counsel for both the parties on delay condonation application being IA/8222/2026.

Learned Counsel for the Petitioner submitted that the impugned Order was passed by the concerned State Commission on 11.04.2022 whereby the Appeal filed by the Petitioner was dismissed in the absence of the Petitioner/Appellant. After dismissal of the Appeal, the Petitioner filed MA/119/2022 seeking recall of the Order and restoration of the Appeal. The said M.A. was allowed by the learned State Commission vide Order dated 07.07.2022 and the Appeal restored to its original number subject to payment of cost and the

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operation of the Order passed by the learned District Commission was also stayed.

Against the Order dated 07.07.2022 passed by the learned State Commission restoring the Appeal to its original number, the Respondent No.2 (original Complainant) filed Revision Petition No.1043/2022 before this Commission challenging the jurisdiction of the learned State Commission to recall its Order. The Petitioner contested the said proceedings before this Commission. During the pendency of the said Revision Petition, the issue regarding restoration of the Appeal remained sub judice and the Petitioner could not challenge the impugned Order dated 11.04.2022, by way of an independent Revision Petition.

The Revision Petition filed by the Respondent/Complainant remained pending before this Commission for nearly four years and finally decided on 07.04.2026. This Commission while allowing the Revision Petition filed by the Complainant observed that the learned SCDRC lacked the power to recall and set aside the Order without prejudice to the rights of the Petitioner to avail such appropriate remedy as may be available in law. Thereafter, the Petitioner was advised to approach the Hon'ble High Court of Judicature at Allahabad by filing a Writ Petition under Section-227 of the Constitution of India. The Writ Petition so filed was dismissed by the Hon'ble High Court vide Order dated 07.07.2026. Thereafter, without any undue delay, the Petitioner has filed the present Revision Petition. The entire period during which the Petitioner pursued the restoration proceedings before the learned SCDRC, defended the Revision Petition filed by the Complainant before this Commission and thereafter approached the Hon'ble High Court, constitutes a bonafide prosecution of remedies before judicial forums, hence, time taken in

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these proceedings deserves to be excluded in terms of Section-14 of the Limitation Act. The delay is not intentional rather circumstantial as the time was spent in pursuing the remedies at different levels, particularly also that the Complainant/Respondent filed a Revision Petition before this Commission that mainly contributed to the delay. Therefore, delay, if any, may be condoned. The learned Counsel relied upon the Order dated 04.11.2025 passed by the High Court of Delhi in **Roopinder Singh Vs. Emaar MGF Ltd. & Ors. in RFA (COMM) 389/2024 and CM APPL.21125/2025**.

Mr. Nikhil Jain, Advocate put in appearance on behalf of the Respondent/Complainant. When he was asked whether he wishes to file any written objections against the delay condonation application, he denied and submitted that he is ready to argue today itself without filing any written objections on the delay condonation application. He submitted that the remedies pursued by the Petitioner were mala fide. There was no legal provision for moving an M.A. before the learned State Commission to restore the Appeal, but the Petitioner filed the same. He further submitted that time spent during these proceedings cannot be allowed to be excluded under Section-14 of the Limitation Act as due diligence should have been exercised by the Petitioner.

Considered the submissions of both the parties and perused the record.

Though the M.A. for restoration of Appeal was moved by the Petitioner without a specific provision under the Consumer Protection Act, 1986 yet the learned State Commission allowed the M.A. and restored the Appeal. Against that restoration Order, the Complainant/Respondent filed a Revision Petition before this Commission and that has finally being disposed of on 07.04.2026. While deciding the Revision Petition so filed by the Complainant, it is

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observed that the order is without prejudice to the rights of the Petitioner/Opposite Party to pursue the remedies available under the law. After that, the Petitioner filed a Writ Petition before the Hon'ble High Court, which was dismissed on 07.07.2026. It shows that the proceedings remained pending before the different forums regarding the dismissal Order passed by the learned State Commission. Once the dismissal Order set aside by the learned State Commission and against that Order, the Revision Petition remained pending before this Commission and the Petitioner contested that Revision Petition which remained pending for nearly four years.

All the above facts show that the matter remained sub judice before different forums. Under these circumstances, it appears just that the benefit of Section-14 of the Limitation Act be given to the Petitioner. Hence, the Application for delay condonation is accordingly allowed. The delay is condoned.

Let the Revision Petition be listed for admission hearing on 11.08.2026.

NCDRC
PAID

Sd/-

(SAROJ YADAV, J.)
PRESIDING MEMBER

AS/CM-Padmaja/B-5/23

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