

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 2189 OF 2017**

(Against the Order dated 05/06/2017 in Appeal No. 569/2017 of the State Commission West Bengal)

1. COX & KINGS LIMITED & ANR.

THROUGH ITS AUTHORISED SIGNATORY  
AMRUTHA RAUT, ASSISTANT MANAGER LEGAL,  
6, LITTLE RUSSEL STREET POLICE STATION  
SHAKESPEARE SARANI,  
KOLKATA-700071

WEST BENGAL

2. COX & KINGS LIMITED

THROUGH ITS AUTHORISED SIGNATORY  
AMRUTHA RAUT, ASSISTANT MANAGER  
LEGAL, REGISTERED OFFICE TURNER MORRISON  
BUILDING, 16 BANK STREET FORT,  
MUMBAI-400001

MAHARAHSTRA

.....Petitioner(s)

Versus

1. GOTAM KUMAR MULLICK

27A, NANI GOPAL ROYCHOWDHURY AVENUE  
C.I.T. ROAD

KOLKATA-700014

WEST BENGAL

.....Respondent(s)

**BEFORE:**

**HON'BLE MRS. M. SHREESHA, PRESIDING MEMBER**

**For the Petitioner :** Mr. Vizzy Agarwal, Advocate

**For the Respondent :**

**Dated : 02 Aug 2017**

**ORDER**

Heard the learned Counsel for the Revision Petitioners.

It is observed from the impugned order dated 05.06.2017 that the Appeal, preferred by the Revision Petitioners herein was summarily dismissed on the very first date of appearance. The order of the State Commission reads as follows:

“Order No.1

This is an appeal U/s. 15 of the Consumer Protection Act, 1986 is at the instance of OPs to assail the Order No. 22 dated 30.01.2017 passed by the Ld. District Consumer Disputes Redressal Forum, Kolkata, Unit-I in CC/530 of 2013. None appears for the appellants despite 3<sup>rd</sup> call. It is now 12.25 p.m.

The record reveals that there has been a delay of 76 days in preferring the appeal. As none appears to move, it appears that the OP after losing the battle before the District Forum has filed (sic) the appeal casually and as such none appears to move the same.

Considering the above, the appeal is summarily dismissed.”

Having regard to the fact that the Appeal was filed on 18.05.2017 and on the very first date of appearance, i.e. 05.06.2017, when the arguing Counsel was ill, for which a medical certificate has been placed on record, the matter was dismissed for non-prosecution prior to the issuance of notice to the Respondent, and also keeping in view the principles of natural justice, this Revision Petition is allowed; the order of the State Commission is set aside; and the Appeal is restored to the board of the State Commission for deciding the same both on delay as well as on merits as expeditiously as possible.

The Revision Petitioners/their Counsel are directed to appear before the State Commission on 21.09.2017 for further proceedings.

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**M. SHREESHA**  
**PRESIDING MEMBER**