

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 1282 OF 2019**

(Against the Order dated 15/11/2018 in Appeal No. 908/2013 of the State Commission  
Madhya Pradesh)

1. HUKUM SINGH

S/O SH.BALDEV SINGH, R/O VILLAGE CHARPUA POST  
KHIRIYA NAKA, TEHSIL &  
DISTRICT : TIKAMGARH

M.P

.....Petitioner(s)

Versus

1. DIVISIONAL ENGINEER, M.P. POORVA KSHETRA  
VIDYUT VITRAN CO. LTD. & ANR.

M.P POORVA KSHETRA VIDYUT VITRAN CO LTD.,  
TIKAMGARH

M.P

2. JUNIOR ENGINEER

M.P POORVA KSHETRA VIDYUT VITRAN CO LTD.  
TIKAMGARH

M.P

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. JUSTICE KARUNA NAND BAJPAYEE, PRESIDING  
MEMBER**

FOR THE PETITIONER : MR. RITESH KHARE, ADVOCATE WITH  
MS. MADHULIKA SINGH, ADVOCATE

FOR THE RESPONDENT : NEMO

**Dated : 03 October 2023**

**ORDER**

1. This revision petition has been filed under Section 21 (b) of the Act 1986 in challenge to the Order dated 15.11.2018 in Appeal No. 908 of 2013 of the State Commission Madhya Pradesh arising out of Order dated 27.04.2013 of the District Commission in Complaint no. 74 of 2011.

2. Heard the learned counsel for the petitioner and perused the record including inter alia the Order dated 27.04.2013 of the District Commission, Order dated 15.11.2018 of the State Commission and the memo. of revision.

3. Learned counsel for the petitioner is present. However, none appears for the respondents even though they are duly represented by counsel. The proceedings dated 06.09.2023 also shows that none had appeared for respondents on that date.

**4.** The present petition has been filed against the impugned Order dated 15.11.2018 whereby the appeal was dismissed for want of prosecution as none appeared for appellant on that date. For better appreciation the impugned Order dated 15.11.2018 is being narrated hereinbelow:

15.11.2018

None for the appellant.

Shri Ajay Dubey, learned counsel for respondents.

Dismissed for want of prosecution.

**5.** Learned counsel for the petitioner has tried to elaborate upon the merits of the case as well as upon the circumstances which prevented the petitioner and his counsel from appearing in the State Commission. It has been contended that if opportunity be provided to pursue the appeal on merits and of being heard there are fair prospects of this appeal being allowed by the State Commission or else the petitioner shall be left remediless and his cause shall suffer irreparably.

**6.** It transpires that on 15.11.2018 neither the petitioner nor his counsel appeared before the State Commission which resulted in the dismissal of the appeal for want of prosecution.

**7.** This Commission at this stage does not propose to delve into or touch upon the merits of the case but considering the nature of the dispute and the overall facts and circumstances in their totality and keeping in perspective the explanation proffered for non-appearance, it is felt just and conscionable that reasonable opportunity be further provided to the petitioner for adjudication of his appeal on merits in the State Commission, lest he be left remediless. It may be observed that this bench is not making any observations regarding the merits of the case lest the same may go to colour the vision of the State Commission or to create any prejudice in favour or against any party.

**8.** As such, in the interest of justice, the Order dated 15.11.2018 of the State Commission is set aside and the appeal is restored to its original number before the State Commission. The petitioner is sternly advised to conduct his case in the right earnest with diligence.

**9.** The parties shall appear before the State Commission on 10.11.2023. The State Commission is requested to adjudicate the appeal on merit after providing adequate opportunity to both the parties to pursue the matter as per law. It may also be observed that in case on future dates the petitioner fails to appear himself or through his legal representative, the State Commission will proceed further in its discretion and wisdom as it may deem fit in accordance with law.

**10.** However, if for whatever reason, the respondents do not appear before the State Commission on the date of hearing, the State Commission shall issue notice for requiring their presence in order to proceed in accordance with law in the matter, as directed by this

Commission. The State Commission in such a situation may also require the petitioner to take adequate steps in order to facilitate service on the respondents.

**11.** The Registry is requested to send a copy each of this Order to all parties in this petition and to their learned counsel as well to the State Commission within three days. The stenographer is requested to upload this Order on the website of this Commission immediately.

.....J  
**KARUNA NAND BAJPAYEE**  
**PRESIDING MEMBER**