

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 2878 OF 2023

(Against the Order dated 28/07/2023 in Appeal No. A/772/2022 of the State Commission
Telangana)

1. YOGENDERLAL WAGHRAY
HOUSE NUMBER 3-3-110, KUTHBIGUDA
HYDERABAD
TELANGANA

.....Petitioner(s)

Versus

1. AASHRAY PROPERTIES
PLOT NO. 217, ROAD NO.4 THREEMURTHY COLONY,
MAHENDRA HILLS, SECUNDERABAD
HYDERABAD
TELANGANA

2. VANKA MAHENDER
AASHRAY ELEGANT, PLOT NO. 117, ROAD NO.3, WEST
MAREDPALLY, SECUNDERABAD
HYDERABAD
TELANGANA

3. V. VINIL NAIDU
PLOT NO. 31, LAKEVIEW RESIDENCY, SAINIKPURI P.O.
SECUNDERABAD
HYDERABAD
TELANGANA

4. OBILI PAPANNAGARI RAMCHANDRA REDDY
201 GANDHI RESIDENCY PLOT NO 154-B MIG 1 S R
NAGAR
HYDERABAD
TELANGANA

.....Respondent(s)

BEFORE:

HON'BLE MR. BINOY KUMAR, PRESIDING MEMBER

FOR THE PETITIONER : MR. S.K. VERMA, ADVOCATE

Dated : 21 December 2023

ORDER

Learned Counsel for the Petitioner submitted that the his Appeal before the State Consumer Disputes Redressal Commission, Telangana (for short 'State Commission') was dismissed on the ground of being barred by limitation and the State Commission upheld the Order of the District Consumer Disputes Redressal Commission-I, Hyderabad (for short 'District Commission') which had dismissed the Complaint on ground of limitation.

Learned Counsel for the Petitioner submitted that both Commissions had wrongly appreciated the facts of the case as well as the law involved. Though, the sale deed was of year 2008 and the Complaint was filed after 14 years and on which ground the District Commission had dismissed the Complaint, the fact is that this is case of continuing cause of action and therefore, the question of being barred by limitation does not arise. He further stated that the project is far from complete and that the matter needs to be decided on merits as there has been a deficiency of service on the part of the Respondent/Opposite Party which has left the project under-developed without fulfilling all its obligations.

I find merit in the arguments of the learned counsel for the Petitioner and consider that he needs to be heard on merits. I also hold that there is continuing cause of action, if the project has been left incomplete, notwithstanding, the signing of the sale deed.

Accordingly, the Revision Petition is remanded to the District Commission which shall the matter on merits. The Orders of the State Commission dated 28.07.2023 and District Commission dated 14.06.2022 are set-aside.

Parties to appear before the District Commission on 15.02.2024.

The Revision Petition is, accordingly, disposed of.

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BINOY KUMAR
PRESIDING MEMBER