Sr. No. 09

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

FAO (D) No. 03/2025
CM No. 7998/2025

B P Kamal .....Applicant(s)/Petitioner(s)

Through :- Mr. Adarsh Sharma, Sr. Advocate with
Mr. Atul Verma, Advocate

v/s

Manager, Axis Bank, Jammu .....Respondent(s)

Through :- Mr. Raman Sharma, Sr. Advocate with
Ms. Saliqa Sheikh, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MA CHOWDHARY, JUDGE

ORDER
13.10.2026

CM No. 7998/2025

1. An appeal filed by the appellant, to challenge an order dated 09.08.2023 passed by the J&K State Consumer Disputes Redressal Commission Jammu ["**the Commission**"] in C.C. No. 3386 of 2012 titled B.P. Kamal vs. Manager, Axis Bank, is delayed by 814 days and, therefore, the instant application for condonation of delay.

2. The delay is sought to be condoned on the ground that immediately on obtaining the certified copy of the impugned order dated 09.08.2023 an inadvertent mistake was detected therein and, accordingly, a decision was taken to approach the Commission for correction of an inadvertent mistake.

3. The review petition was filed on 08.09.2023 which came to be dismissed by the Commission vide order dated 11.07.2025. It is submitted that immediately upon the dismissal of the review petition,

instant appeal was filed and, therefore, a delay of 814 days in approaching the Court.

4. Objections on behalf of the respondent stand filed.

5. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the delay is occasioned due to the appellants *bona fidely* prosecuting his remedy of review and, therefore, deserves to be condoned.

6. The application is, thus, **allowed** and the delay of 814 days in filing the appeal is **condoned**.

FAO (D) No. 03/2025

1. This appeal by the appellant is directed against an order dated 09.08.2023 passed by the J&K State Consumer Disputes Redressal Commission Jammu ["**the Commission**"] in C.C. No. 3386 of 2012 titled B.P. Kamal vs. Manager, Axis Bank. The impugned order is challenged on the ground that what was pointed out by the appellant before the Commission was an inadvertent error requiring only a clerical correction and, therefore, ought not to have been treated by the Commission as a review petition.

2. The impugned order is challenged by the appellant on the ground that due to an error committed, with regard to the two dates, i.e., 03.12.2008 and 15.01.2008, the final decision in the complaint was affected. It is submitted that the Commission has wrongly held that 15.01.2008 comes after 03.12.2008, whereas the fact remains that 03.12.2008 was a date much after 15.01.2008. It is submitted that the Commission acknowledged this error while considering the application of the appellant for correction of error, but showed its inability to correct it on

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the ground that the Commission is not vested under the Act with the power of review.

3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that there is an error apparent on the face of record of the judgment impugned, in that, the Commission has referred to the date 03.12.2008, as a date which comes much earlier than 15.01.2008. It needs to be noticed that 15.01.2008 is a date of the cause of action which accrued to the appellant to file a complaint or raise a grievance against the suspension of his Demat Account. From the perusal of the order impugned, it is not very clear as to whether this mistake alone is responsible for the dismissal of the complaint, but one thing is clear that this is one of the factors which have been taken into consideration by the Commission for dismissing the complaint filed by the appellant.

4. We do not wish to go into the question as to whether the Commission is vested with the power to review its own order. However, in the given facts and circumstances of the case and to subserve the interests of justice, we hold that the impugned judgment does suffer from error apparent on the face of record, which may have influenced the final outcome of the complaint.

5. For the foregoing reasons, this appeal is allowed and the impugned order dated 09.08.2003 is set aside and the matter is remanded back to the Commission for fresh adjudication and decision.

6. Parties to appear before the Commission on 23.11.2026.

(MA Chowdhary)
Judge

(Sanjeev Kumar)
Judge

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