

GAHC020006182022



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : WP(C) 230/2022

1:MR. L.SHINGREISHANG
AGED ABOUT 37 YEARS,
S/O LUNGLENG WUNGTHAR,
R/O H/NO.114, AO KHEL, NOTUN BOSTI,
DIMAPUR, NAGALAND

VERSUS

1:PRESIDENT,DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION,
DIMAPUR, NAGALAND

Advocate for the Petitioner : TSALI SANGTAM

Advocate for the Respondent : JOSHUA SHEQI

**BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA**

ORDER

Date : 02-02-2023

Heard Mr. Tsali Sangtam, learned counsel for the petitioner and Mr. Joshua Sheqi, learned counsel for the sole respondent.

The present petition has been filed seeking for a direction to the learned President, District Consumer Dispute Redressal Commission, Dimapur, Nagaland to pronounce/deliver the judgment in CFD Case No. 11/2021 which was reserved by the Commission on 09.06.2022.

It is the case of the petitioner that CFD Case No. 11/2021 was filed on 28.10.2021 under section-35 of the Consumer Protection Act, 2019 against the New India Assurance Company Ltd. for deficiency of service and also for a claim of compensation for the damage cause to the vehicle against the Policy No. 53050031200100002388. The hearing of the case was completed on 09.06.2022 and the parties also submit the final/gist of argument as directed by the Commission. However, the Commission despite the lapse of a reasonable period of time did not deliver the judgment in the case. Being aggrieved, the petitioner who is complainant in the case before the consumer forum is before this Court seeking a direction to the learned District Consumer Dispute Redressal Commission to pronounce/deliver the judgment/order which was reserved on 09.06.2022 in CFD Case No. 11/2021.

Mr. Joshua Sheqi, learned counsel representing the learned President, District Consumer Dispute Redressal Commission has filed the affidavit-in-opposition explaining as to why the Commission could not deliver the judgment in the case which was reserved on 09.06.2022. The explanation is given in paragraph-2, 4 & 5 of the affidavit-in-opposition. This Court has perused the statement made in paragraph-2, 4 & 5 of the affidavit-in-opposition.

Paragraph-5 of the affidavit-in-opposition inter-alia states that the order was kept ready, however, before the same could be signed and delivered by the member of the Commission, the period of appointment of the two members of the Commission expired and while awaiting the appointment of the new incumbent member, the present petition has been filed.

Mr. Joshua Sheqi, learned counsel for the respondent has also referred to section-39 of the Consumer Protection Act, 2019 more particularly, sub-section (4) of the said section, wherein it provides that every order made by the District Commission under sub-section (1) of section-39 shall be signed by the President and the member who conducted the proceeding. The case of the respondent in brief is that since two of the members who had heard the matter demitted Office on 09.07.2022 on completion of their tenure, it become impermissible for the President of the District Commission to alone sign the order.

This Court after hearing the parties and on perusal of the record and on reading the provisions of section-39(1) & (4) of the Consumer Protection Act, 2019 is of the view that CFD Case No. 11/2021 needs afresh re-hearing and disposal of the case by the President and at least one of the incumbent member of the District Consumer Dispute Redressal Commission, Dimapur, Nagaland. The District Consumer Dispute Redressal Commission, Dimapur, Nagaland shall accordingly make an endeavour to hear and dispose CFD Case No. 11/2021 in accordance with law, at an early date, not exceeding 60 days from the date of this order.

Writ petition stands disposed.

Sd/-

JUDGE

Comparing Assistant