

Court No. - 40

Case :- WRIT - C No. - 38440 of 2023

Petitioner :- Rakesh Kumar

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ashutosh Upadhyay

Counsel for Respondent :- C.S.C.,Pranjal Mehrotra

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Ashutosh Upadhyay, learned counsel for the petitioner; learned Standing Counsel for the respondent no.1 and Sri Pranjal Mehrotra, learned counsel for respondent nos.3 and 4.

2. Learned counsel for the petitioner submits that the petitioner had filed a complaint before the District Consumer Forum Sambhal at Bahjoi against the respondents and the same was registered as Complaint Case No.134 of 2015 (Rakesh Kumar and others vs. U.P. Power Corporation Ltd., Electricity Distribution Division, Chandausi, District Sambhal through its Executive Engineer and others). Finally, the District Consumer Forum, Sambhal at Bahjoi had passed an order on 27.08.2016 directing to the respondent nos.3 and 4 to pay Rs.5,45,000/- alongwith 9% interest per annum to the petitioner and his sons. Against the said order, the respondent nos.3 and 4 have filed an Appeal No.1891 of 2016 (U.P. Power Corporation Ltd. Electricity Distribution Division Chandausi, District Sambhal and another vs. Rakesh Kumar and others) before the State Consumer Disputes Redressal Commission, Uttar Pradesh, Lucknow (respondent no.2) on 26.09.2016. The grievance of the petitioner is that the aforesaid Appeal No.1891 of 2016 is pending before the respondent no.2 and the same has not been decided so far. In support of his submission, he has placed reliance on the order-sheet, which is appended alongwith the writ petition.

3. No useful purpose would be served in keeping the writ petition.

4. In view of the above, without expressing any opinion on the merits of the issue and considering the facts and circumstances of the case, this writ petition is disposed of finally with a direction to the respondent no.2 to decide the aforesaid appeal within a period of three months from the date of production of a certified copy of this order without granting unnecessary adjournments to either of the parties, except upon payment of substantial cost.

Order Date :- 7.11.2023

RKP