

GAHC040009512023



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

Case No. : CRP/37/2023

M/s I T A Ford
A Unit of Apang Rate Automobiles Pvt. Ltd. having its office at Lekhi, PO/PS Nirjuli,
District Papumpare.
Represented by Sri Khoda Raja, Managing Director, ITA Ford.
8837479691

VERSUS

Mogom Ete
Son of Hormo Ete,
Resident of Model Village, PO/PS Naharlagun, District Papumpare, PIN 791111,
Arunachal Pradesh.

Advocate for the Petitioner : T Sunil

Advocate for the Respondent : Marto Kato

BEFORE
HONBLE MR. JUSTICE PARTHIVJYOTI SAIKIA

ORDER

12.03.2024

Heard Mr. T. Sunil, learned counsel for the petitioner as well as Mr. M. Kato,
learned counsel for the respondent.

The petitioner was the respondent before the District Consumer Dispute
Redressal Forum. He did not appear before the Tribunal and, therefore, Tribunal

passed *ex parte* order against him and directed him to pay an amount of Rs.6,40,000/- along with interest @ 6% per annum within one month from the date of the order.

Thereafter, the petitioner filed an appeal before the State Commission, which is still pending.

In the meantime, the District Consumer Dispute Redressal Forum started execution proceeding. The petitioner has filed objection before the Forum but the same was rejected.

Now, the petitioner submits that the State Commission is not working now because of non-availability of Presiding Officer. Therefore, the present application under Section 227 of the Constitution of India has been filed challenging the order dated 30.06.2023 passed by the District Consumer Dispute Redressal Forum, Papumpare, Capital Complex at Yupia, Arunachal Pradesh.

I have considered the submission made by the learned counsel for both the sides. There is no dispute that the appeal is still pending before the State Commission. Therefore, the proper Forum will be the State Commission who can pass necessary order in this matter.

On the face of the record, there is nothing wrong in the impugned order warranting exercise of power under section 227 of the Constitution of India. Therefore, the petitioner is advised to move the State Commission where his appeal is presently pending for disposal.

With the above direction, the civil revision petition is disposed of.

JUDGE

Comparing Assistant