

C.O. 785 of 2024

19.08.2026

Sl no. 51

Ct no. 2

P.M.

Mr. Liaquat Ali

- Vs -

Ideal Real Estate Pvt. Ltd. & Ors.

Mr. Anindya Lahiri, Sr. Adv.
Mr. Samrat Dey Paul,
Mr. Subhomoy Paul,
Mr. Anish Chakraborty
... for the petitioner.

Ms. Soni Ojha,
Mr. Pranit Biswas
... for the respondent No. 1 to 4

1. Learned senior counsel for the petitioner submits that though the remedy of appeal is provided against the order of the learned State Consumer forum, however, learned senior counsel submits that the interest of the justice would be served if the present revision petition is entertained against the impugned order, by which petition was dismissed in default by the West Bengal State Consumer Disputes Redressal Commission.
2. Learned counsel for the opposite party has vehemently opposed the petition on the ground of maintainability. Learned counsel submits that

since an alternative remedy is provided the present revision petition is not maintainable.

3. The court has considered the submissions. The general rule is that the High Court while exercising the jurisdiction under Article 227 of the Constitution of India should exercise writ jurisdiction with circumspection, and if there is an equally efficacious remedy available, the High Court should be sparing in exercising the extraordinary writ jurisdiction. However, it has repeatedly been held by the constitutional court that the writ jurisdiction in any way is not barred to be exercised. The only rule of caution is that in case of alternative efficacious remedy available the petition should not be entertained.
4. In the present case, vide the impugned order the petition of the petitioner for restoration was dismissed. The court takes into account the fact that National Consumer Disputes Redressal Commission is situated at New Delhi and it may cause inconvenience to the parties. It will also be economically expensive for the petitioner. Thus, exercising its power the Court considers that in the interest of justice and convenience of the parties and the fact that the order under

challenge is not on merit, the petition can be entertained. Thus in view of the discussion made hereinabove, the petition is allowed.

5. The impugned order dated 21st February, 2024 is set aside. The Complaint case No. CC 146 of 2023 is restored to its original number.
6. The present order shall not be taken as precedent on the proposition that even if there is an equally efficacious remedy, the High Court in its writ jurisdiction can entertain the petition as a rule.
7. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities.

(Dinesh Kumar Sharma, J.)