

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO.2130 OF 2015

M/s. Taurus Constructions .Petitioner

v/s.

The Registrar, State Consumer Dispute .Respondents
Redressal Commission, Mumbai & ors.

Mr.Sanjay Kher i/b. Mr.A.A.Gharte a/w. Ms Pranali Ahirro, Advocate,
for the Petitioner
Mr.Bharat Mehta, AGP, for the Respondent – Corporation

CORAM : A.A.SAYED, J.

DATE : 23.07.2015

P.C.

. The grievance of the Petitioner/original Respondent No.2 is that the Registrar, State Consumer Disputes Redressal Commission, Mumbai is not accepting and registering the Petitioner's Application which seeks rejection of the Consumer Complaint, being Consumer Complaint No.379 of 2014 as against the Petitioner.

2. Learned Counsel for the Petitioner has also drawn my attention to Section 26 of the Consumer Protection Act, 1986 which speaks of dismissal of frivolous or vexatious complaints. According to the learned counsel for the Petitioner, the Petitioner is entitled to such an order under Section 26 inasmuch as the Petitioner has no privity of contract with the Respondent No.2/original Complainant.

According to the learned counsel for the Petitioner, the Application is more in the form of O.VII, Rule 11 of the Code of Civil Procedure, 1908 as no cause of action arises as against the Petitioner as disclosed in the Complaint.

3. I have heard the learned counsel for the Petitioner as well as the learned AGP. In my view, the Registrar, State Consumer Disputes Redressal Commission, cannot decline to accept the Application of the Petitioner. The Registrar is, therefore, directed to accept the Application of the Petitioner and register the Application and place it before the State Commission which shall pass appropriate orders on the Application.

4. The Petition is disposed of in the aforesaid terms. It is made clear that this Court has not gone into the merits of the matter and the Application shall be decided by the Commission on its own merits.

All concerned to act on the authenticated copy of this order.

(A.A.SAYED, J.)