

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.114 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 3575 of 2010**

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Krishna Kumar Singh Son of Sri Kapildeo Narayan Singh Resident of Village
Ahirauliya, P.S. Bara Chakia, District- East Champaran

.... Appellant

Versus

1. The State of Bihar through the District Magistrate, East Champaran at Motihari
2. The District Consumer Dispute Redressal Forum, East Champaran at Motihari
through its Chairman
3. The Additional Collector, East Champaran at Motihari
4. Ajit Kumar Singh Son of Late Parmanand Singh Resident of Village Dulma, P.S.
Madhuban, District- East Champaran

.... Respondents

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Appearance:

For the Appellant/s : Mr. Krishna Kumar Singh and
Mr. Satyendra Prasad Singh, Advocates.
For the Respondent/s : Mr. Amit Kumar Sinha, G.A.9 with
Mr. Pawan Kumar, AC to G.A. 9.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 08-04-2016

The order dated 14.08.2013 passed by the learned Single
Bench is the subject matter of challenge in the present Letters Patent
Appeal.

2. The challenge in the Writ Application is to an order
dated 05.01.2010 passed by the learned District Consumer Dispute
Redressal Forum, East Champaran, wherein the appellant has been
directed to pay a sum of Rs. 40,000/- as cost of damaged potatoes
including Rs. 5,000/- as cost of litigation. Instead of filing an appeal,

the appellant invoked the writ jurisdiction of this Court by filing the Writ Application which has been rightly dismissed with liberty to the appellant to avail the remedy of appeal before the State Commission.

3. The appellant points out that in terms of Bihar State Regulation of Cold Storages Act, 1992, the appellant has been burdened with cost of Rs. 600/- per quintal on account of damaged crop and, therefore, the proceedings under the Consumer Protection Act, 1986 cannot continue.

4. We do not find any merit in the present Letters Patent Appeal. The rights of a consumer under the Consumer Protection Act, 1986 cannot be defeated or curtailed by any local statute such as Bihar State Regulation of Cold Storages Act, 1992. Both statutes operate in different fields and have different consequences. It is so apparent from a reading of Section 3 of the Consumer Protection Act, 1986, which shows that the provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

5. Therefore, the order passed by the District Consumer Dispute Redressal Forum cannot be permitted to be disputed by the appellant. In the Writ Application, the learned Single Judge has rightly directed the appellant to avail the remedy of appeal under the Consumer Protection Act, 1986.

5. We do not find any error in the order of the learned Single Bench which may warrant interference by this Court.

6. The Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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