

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 490 of 2014

Satya Automobiles Through Manager Mr. Naveen Agrawal S/o Shri V.P. Agrawal
Age 37 Yrs True Value Opposite Rajive Plaza Bilaspur C.G.

---- Petitioner

Versus

Raj Kumar Soni S/o B.L. Soni Aged About 55 Years R/o Subham Vihar Bilaspur
C.G.

---- Respondent

For Petitioner	:	Shri Romir S. Goyal, Advocate
For Respondent	:	Shri Vinod Deshmukh, Advocate

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/02/2016

Heard.

1. There is an objection to the maintainability of the writ petition. Learned counsel for the respondent submits that the petitioner has an alternative remedy of filing revision before the National Consumer Disputes Redressal Commission (in short "*the National Commission*"). The petitioner has filed the instant petition without availing the remedy available under the law, which is not maintainable. Therefore, the petition is liable to be dismissed only on this count.
2. Learned counsel for the petitioner submits that existence of an alternative remedy is not an absolute bar. Relying upon the judgment in the case of **State of Karnataka Vs. Vishwabharathi House Building Coop. Society and Ors.**, (2003) 2 SCC 412, he submits that in the present case, the Forum has directed return of the amount to the consumer without there being any material to show that there was any lapse on the part of the petitioner to supply the vehicle.
3. Be that as it may, even though this Court does have power to entertain the petition

without insisting on exhaustion of alternative remedy, I do not find any extraordinary reasons why the petitioner should not be asked to first exhaust his remedy before the National Commission. This is more so because there is no order directing the petitioner to deliver any vehicle but only to return the money which was deposited by the respondent with the petitioner. The petitioner seems to be aggrieved on interest part. Considering all these aspects of the matter, I am not inclined to entertain the petition.

4. The petition is accordingly dismissed with liberty to file revision before the National Commission. Considering that this matter has remained pending before this Court, it is directed that if the petitioner files revision before the National Commission within a period of 90 days, no objection to limitation shall be taken by the respondent.

Sd/-
(Manindra Mohan Shrivastava)
Judge