

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITIONS No. 31410 AND 31412 OF 2015

COMMON ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

Both these Writ Petitions are instituted for declaring the interlocutory orders passed by the District Consumer Disputes Redressal Forum-III, Nampally at Hyderabad as illegal, on the ground that the State Government has not constituted the State Commission for Redressal of Consumer Disputes to enable the petitioner herein to prefer the Appeal in terms of and in accordance with Section 15 of the Consumer Protection Act, 1986 (for short, 'the Act').

Any person aggrieved by an order made by the District Forum may prefer an Appeal against such order to the State Commission within a period of 30 days from the date of the order in terms of Section 15 of the Act. The proviso to Section 15 further makes it clear that the State Commission may entertain an Appeal even after the expiry of the said period of 30 days if it is satisfied that there was sufficient cause for not filing the said Appeal within that period. It is therefore, clear that against any order passed by the District Forum, including any interlocutory order, an Appeal would lie to the State Commission constituted under the said Act.

These Writ Petitions came to be instituted on the premises that though the State Commission is constituted, no Presiding Officer is appointed and as a consequence of which, the Commission has virtually become dysfunctional. However, the learned Government Pleader for Consumer Affairs (Telangana) has drawn our attention to the fact that the State Government has already constituted the State Commission for Redressal of Consumer Disputes and it started discharging effectively its functions from 09.11.2015 onwards.

Therefore, preserving liberty to the petitioner to approach the State Commission for Redressal of Consumer Disputes, State of Telangana, Hyderabad, these Writ Petitions stand disposed of. No

costs.

Learned counsel for the petitioner, who appeared today in these matters, would submit that since the time limit of 30 days prescribed under Section 15 of the Act has expired and since it will take little more time for the petitioner to approach the State Commission, the interests of the petitioner herein may be protected for a while.

Since the writ petitioner has instituted these Writ Petitions *bona fide* and pursued them this far, it is certainly open to it to approach the Commission in a reasonably quick time from now without wasting any further time, so that the State Commission will be in a position to entertain its Appeals, duly condoning the delay that occasioned due to pursuing these Writ Petitions and pass appropriate orders on merits.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

08th March 2016

Issue CC today.
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