

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.34119 of 2016

29.12.2016

Between:

Radhika Agarwal

..Petitioner

And

The Hon'ble State Consumer Disputes Redressal Commission,
Hyderabad and others

..Respondents

Counsel for the petitioner: Mr.A.L.Rau

Counsel for respondent Nos.2 and 3: Mr.M.Srikanth Reddy,
standing counsel for State Bank of India

Counsel for respondent No.1: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed against the common order, dated 09.07.2014, in respect of C.C.No.100 of 2013 on the file of the Andhra Pradesh State Consumer Redressal Commission, Hyderabad – respondent No.1.

2. Mr.M.Srikanth Reddy, learned standing counsel for the State Bank of India appearing for respondent Nos.2 and 3, has submitted that against the order impugned in this writ petition, the petitioner has a remedy of appeal under Section 19 of the Consumer Protection Act, 1986 (for short 'the Act') and that in view of availability of this alternative remedy, the petitioner may not be entitled to maintain the present writ petition for adjudication on merits.

3. Under Section 19 of the Act, any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of Section 17 of the Act, may prefer an appeal against such order to the National Commission.

4. Mr.A.L.Raju, learned counsel for the petitioner, has not disputed that the order impugned in this writ petition is passed under sub-clause (i) of clause (a) of Section 17 of the Act by the State Commission and that the remedy of appeal under Section 19 of the Act is available to his client.

5. Ordinarily, this Court seldom entertains a writ petition filed bypassing the statutory appeal except in cases where the order passed is without jurisdiction or in violation of the principles of natural justice. The impugned order does not suffer from either of the aforementioned defects. Therefore, we do not find any reason to entertain this writ

petition filed bypassing the efficacious remedy of appeal available to the petitioner as mentioned above.

6. In the premises as above, the Writ Petition is dismissed, however, with liberty to the petitioner to avail the remedy of appeal in terms of Section 19 of the Act.

7. As a sequel to dismissal of the writ petition, W.P.M.P.No.42093 of 2016 filed by the petitioner for expedite hearing of the writ petition is dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

29th December, 2016
GHN

