

*THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI*

WRIT PETITION No.2659 of 2014

ORDER: (per SK,J)

The Oriental Insurance Company, Hyderabad, filed this writ petition aggrieved by the order dated 20.08.2013 passed by the Andhra Pradesh State Consumer Disputes Redressal Commission, Hyderabad, in E.A.No.2 of 2013 in C.C.No.13 of 2011. By the said order, the Commission directed the petitioner-Insurance Company to refund the amount deducted towards TDS along with interest at 9% per annum to the first respondent herein.

This Court, while ordering notice before admission on 04.02.2014, stayed the operation of the order under challenge for a period of three weeks. This order was extended thereafter from time to time, the last such extension being on 26.06.2014 for a period of one week. There was no further extension thereafter.

Heard Sri Bhaskar Poluri, learned counsel for the petitioner-Insurance Company and Sri C.Kumar, learned counsel for the first respondent.

Sri C.Kumar, learned counsel, placed reliance on case law in support of his contention that this writ petition is not maintainable in the light of the efficacious alternative remedy provided under the statute to the petitioner-Insurance Company.

Having perused the decisions of the Supreme Court in Nivedita Sharma v. Cellular Operators Association of India¹, and Cicily Kallarackal v. Vehicle Factory² and the decision of a Division Bench of

¹ (2011) 4 SCC 337

² (2012) 8 SCC 524

this Court in A.P. Cooperative Housing Societies Federation Limited, Hyderabad v. A.P. State Consumer Disputes Redressal Commission, Hyderabad³, we find merit in the contention urged by the learned counsel.

The aforesaid precedents lay down in categorical terms that a writ petition would not lie in a matter arising under the Consumer Protection Act, 1986, in the light of the statutory remedy provided thereunder to the National Commission as against the orders passed by the State Commission.

That being so, we are of the opinion that this writ petition deserves to be dismissed on the ground of maintainability and it is accordingly so dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.
No order as to costs.



JUSTICE SANJAY KUMAR

JUSTICE N. BALAYOGI

Date: 17.04.2017

GJ

³ 2015 (5) ALD 695 (DB)