

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 28 of 2018**

- Anurag Bansal S/o Sajan Agrawal Aged About 26 Years R/o Vinoba Nagar Bilaspur Tehsil Revenue & Civil District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. Rajesh Behra S/o Late Kiranmani Behra Aged About 33 Years R/o Krishna Vatika , Boer Dadar , Raigarh Tehsil Revenue And Civil District Raigarh Chhattisgarh (Complainant)
2. Tata Motors Limited , M / S P C B U Bombay House 24 Homi Modi Street Front Mumbai .
3. M / S Ashish / Amber Automobiles , Main Road , Vyapar Vihar , Bilaspur Chhattisgarh.
4. Vikash Yadav , R/o Azad Chowk Kirodimall Nagar Then And Their Branch Manager M / S Amber Automobiles , Jindal Road Near Janki Hotel Gorkha Raigarh Chhattisgarh.
5. President, District Consumer Redressal Forum Raigarh District Raigarh Chhattisgarh.

---- Respondents

For Petitioner : Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11/01/2018**

1. Heard.
2. The present petition is against the order dated 03.01.2018, wherein a show-cause notice has been issued to M/s. Ashish/Amber Automobiles Main Road, Vyapar Vihar, Bilaspur, Chhattisgarh that why the proceedings under Section 27 of the Consumer Protection Act, 1986 (for short 'the Act, 1986')

be not executed to to put him behind the bars for 3 years for not compliance the order of the consumer forum dated 27.02.2015.

3. Learned counsel for the petitioner submits that the petitioner is nowhere involved in this and neither he is the partner of firm against whom the order was passed, nor has anyway incurred the liability of the firm namely M/s. Ashish/Amber Automobiles Bilaspur. The counsel further submits that the firm has been closed and the petitioner is nowhere related to such firm and he was only an employee in the said automobile earlier and the said automobile has been closed, therefore, he is not at all responsible and no notice can be issued to him.
4. Be that as it may, the order of the consumer forum dated 03.01.2018 is under challenge. Section 15 of the Act, 1986 contemplates that “any person” aggrieved by the order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed.
5. A reading of the order of the consumer forum would show that earlier the petitioner herein was in helm of affair and has prosecuted an appeal against the order of the consumer forum to the State Commission. Subsequently, when the petitioner was apprehended and produced before the consumer forum, he was given a show-cause notice as to why he may not be sent to jail and further opportunity has been given to him to reply to the notice.
6. Section 15 provides for an appeal against any order of consumer forum. Any person if aggrieved may prefer an appeal against such order to the State Commission. The petitioner can also be enveloped under the definition of “any person” as appears in Section 15 of the Act, 1986. The petitioner instead of filing the appeal before the State Commission has

preferred this petition before this Court to invoke the jurisdiction under Article 227 of the Constitution of India despite there being an alternative remedy available to him.

7. In view of the fact that since an alternative remedy is available to the petitioner, I am not inclined to exercise the jurisdiction of Article 227 of the Constitution of India vested with this Court. The petition is misconceived. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge

Ashu