

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Civil Revision Petition No.5832 of 2017

% Date: 12-02-2018

The Branch Manager, Kotak Mahendra Prime Ltd.,
CIN U67200 MH 1996 PLC 09770, 6-3-1109/1,
2nd Floor, Navabharat Chambers, Rajbhavan Road,
Somajiguda, Hyderabad-82

... Petitioner/Opposite Party/
Respondent

Vs.

\$ 1. S.S.Rama Koti, S/o. Srinivasa Charyulu,
Aged about 62 years, Occ: Retd. Panchayat Secretary,
R/o. H.No.11-14-23, Haripuri Colony, Road No.1,
Saroor Nagar Mandal, Ranga Reddy District

2. The District Consumer Forum-I, Hyderabad,
Rep. by its Sheristadar, 9th Floor, Chandra Vihar,
M.J. Road, Hyderabad

... Respondents/Complainant/
Petitioner

! Counsel for Petitioner: Mr. O.Manohar Reddy

Counsel for Respondent No.1: Mr. Ch.Vidyasagar

Counsel for Respondent No.2: ---

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> Head Note:

? Cases referred:

1. AIR 2010 SC 2608

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Order: (per V.Ramasubramanian, J.)

Aggrieved by an interim order passed by the District Consumer Disputes Redressal Forum-I, Hyderabad, the Bank has come up with the above revision under Article 227 of the Constitution of India.

2. Heard Mr. O.Manohar Reddy, learned counsel for the petitioner and Mr. Ch.Vidyasagar, learned counsel for the 1st respondent.

3. It appears that the 1st respondent availed a loan for the purchase of a vehicle from the petitioner/Bank and the petitioner/Bank took possession of the vehicle on the ground that the instalments were not duly repaid.

4. The 1st respondent went before the District Consumer Forum complaining of deficiency in service. Pending the main case, the 1st respondent took out an interlocutory application for the release of the vehicle. On the said application, the District Consumer Forum passed an interim order directing the 1st respondent to deposit the admitted defaulted amount of Rs.87,900/- and also directed the petitioner to release the vehicle upon such payment being made.

5. Claiming that the very complaint before the District Consumer Forum was wholly without jurisdiction, the Bank has come up with the above revision.

6. But unfortunately for the petitioner/Bank, the orders of the nature impugned in this revision, passed by the District Consumer Forum, are revisable by the State Consumer Disputes Redressal Commission under Section 17(1)(b) of the Consumer Protection Act, 1986. The Supreme Court of India has already held in **Om Prakash Saini v. DCM Ltd.**¹ that since the Consumer Protection Act, 1986 provides a three-tier mechanism for the redressal of grievances of parties, it would be appropriate for the parties to approach the next higher forum in the hierarchy of Courts provided by the Act itself. Therefore, the appropriate remedy for the petitioner is only to file a revision before the State Consumer Disputes Redressal Commission under Section 17(1)(b) of the Act.

7. Fortunately for the petitioner, the Act does not prescribe any period of limitation, for filing a revision under Section 17(1)(b), though a period is prescribed under Section 15 for an appeal.

8. In any case, the petitioner has come up with the above revision on 30-10-2017, as against the order dated 25-10-2017 and the petitioner has had the benefit of interim stay from 01-11-2017. Therefore, even if a period of limitation is prescribed, by subordinate legislation, the period during which the petitioner prosecuted the remedy of revision, may have to be excluded.

¹ AIR 2010 SC 2608

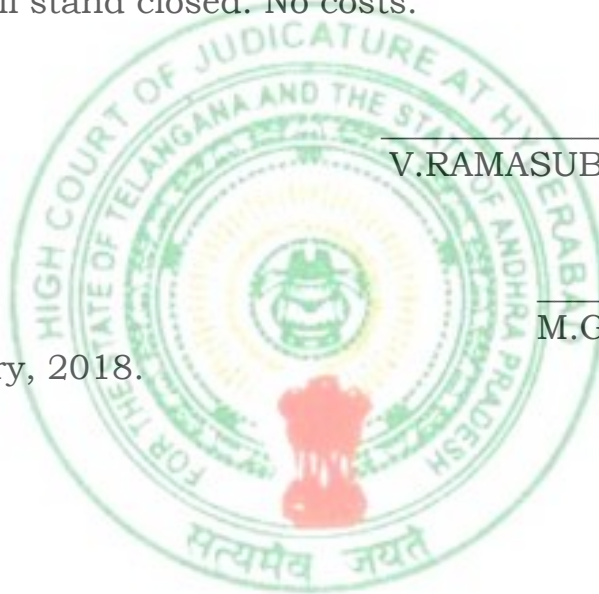
9. Hence, the civil revision petition is dismissed, leaving it open to the petitioner to approach the State Consumer Commission. The order impugned in the above revision is directed to be returned to be petitioner to enable them to file an appeal before the State Commission.

10. To enable the petitioner to approach the Appellate Forum and seek a stay, we provide protection to the petitioner from the enforcement of the impugned order for a period of 15 days. The miscellaneous petitions, if any, pending in this revision shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

12th February, 2018.
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(per VRS, J.)



12th February, 2018.
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