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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11424/2016 & CM No.44784/2016

% Date of decision : 1st February, 2018

DELHI STATE & DISTRICT CONSUMER COURTS
PRACTITIONER WELFARE ASSOCIATION (REGD.)..... Petitioner
Through : Mr. Ajay Kumar Porwal, Adv.

versus

LIEUTENANT GOVERNOR & ORS Respondents
Through : Ms. Sakshi Popli and
Mr. Ritesh Kumar, Adv. for R-
GNCTD

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition, couched as a public interest litigation, relates to the exercise of jurisdiction by the District Consumer Fora constituted under the provisions of the Consumer Protection Act, 1986.
2. The petitioner has placed reliance on the order dated 31st October, 2007 passed by the State Commission, Delhi in ***Revision Petition No. 07/18 Singh's Dental Hospital v. Amrit Lal Dureja***. In this case, a preliminary objection regarding the territorial jurisdiction of the District Forum (South-West) was taken on the premise that the

Dental Hospital of the petitioner was located in the territorial jurisdiction of the District Forum (West) whereas the complaint was filed before the District Forum (South – West).

This objection was rejected by the District Forum (South West), resulting in the filing of the revision petition. By the decision dated 31st October, 2007, the State Commission, Delhi had held as follows :

“4. Even otherwise city of Delhi is one District and has been divided into several districts for the sake of administrative convenience and not for the sake of territorial jurisdiction. Consumer Protection Act 1986, provides that there shall be one District Forum in one District. Since Delhi happens to be one District, every District Forum has jurisdiction over every case and if any District Forum takes final decision in the matter, irrespective of having no administrative territorial jurisdiction, the order cannot be set aside. Order can be set aside, if the person taking final decision is not competent to take decision. District Forums are presided by a person who is or has been or is qualified to be a District Judge and since every District Forum is headed by such person, therefore any decision taken by any District Forum irrespective of the complaint being not within the territorial jurisdiction of the concerned District Forum cannot be set aside or held invalid.”

3. The writ petitioner has relied on other orders of the State Commission passed thereafter placing reliance on the decision dated 31st October, 2007 holding that Delhi was one district for the purposes of the territorial jurisdiction of the District Forums.

4. A grievance is made before us that despite the clear dicta of the decisions of the State Commission, the District Forums are not abiding by the same and are dismissing complaints on grounds of territorial

jurisdiction in violation of the binding findings.

5. It cannot be denied that judicial discipline mandates that the District Forums shall strictly abide by the decisions of the State Commission, which bind their consideration.

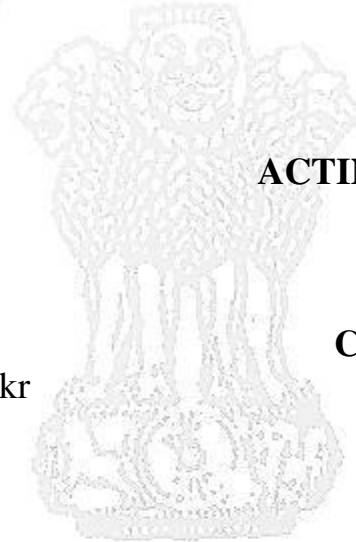
In view thereof, all District Forums shall ensure that they abide by the principles laid down by the State Commission in their decisions.

This writ petition and application are disposed of in the above terms.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

FEBRUARY 01, 2018/kr



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