

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No. 429 of 2018

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Smt. Malti Devi, Wife of Sri Dharendra Kumar, Advocate, Patna High Court and Supreme Court of India, R/o 181 M.I.G. House, Hanuman Nagar, P.S.- Patrakar Nagar, in the Town and District- Patna.

... .. Petitioner/s

Versus

1. Ranjit Kumar, Son of not known, Electrical Superintending Engineer, South Bihar Power Distribution Company Ltd. (Bihar State Electricity Board) Siwalay Market, Ashok Raj Path, P.S.- Pirbahore, in the Town and District- Patna.
2. Avinash Kumar, Son of not known, Electrical Executive Engineer, South Bihar Power Distribution Company Ltd. (Bihar State Electricity Board), Kankarbagh, Main Road, P.S.- Kankarbagh, in the Town and District- Patna.
3. Pankaj Sharma, Son of not known, Electric Junior Engineer, South Bihar Power Distribution Company Ltd. (Bihar State Electricity Board), Hanuman Nagar, P.S.- Patrakar Nagar, in the Town and District- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate
For the Opposite Party/s : Mr. Prakash Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 21-08-2019

Heard learned counsel for the petitioner and learned counsel for the Bihar State Power Holding Company Limited (hereinafter referred to as the 'Company').

2. The petitioner has moved the Court alleging disobedience of the order dated 02.05.2017, passed by the District Consumer Forum, Patna in Complaint Case No. 105 of 2014.

3. Learned counsel for the Company raised a preliminary objection with regard to maintainability of the



application. He submitted that the order has been passed by the authority constituted under The Consumer Protection Act, 1986 (hereinafter referred to as the 'Act') which is a self contained special enactment of the Parliament. It was submitted that Section 25 of the same confers power on the District forum itself for enforcement of its orders.

4. Learned counsel for the petitioner submitted that Section 10 of The Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India confers jurisdiction on this Court to proceed in the matter of contempt.

5. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court would only observe that without going into the aspect as to whether this Court has the power to consider any alleged contempt of an order passed by the District Consumer Forum, the matter of contempt basically being an issue with the Court and the contemnor, in the facts and circumstances of the present case, the Court is not inclined to go into such aspect particularly for the reason that the petitioner has a remedy under the Act itself, as the order was passed by the District Consumer Forum, Patna.

6. Thus, taking an overall view in the matter, the present application stands disposed off with liberty to the petitioner to



move before the appropriate forum under the Act, in accordance with law, with regard to any non compliance of the order dated 02.05.2017 passed by the District Consumer Forum, Patna in Complaint Case No. 105 of 2014.

(Ahsanuddin Amanullah, J.)

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