

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10043 OF 2018

ICICI Bank Limited

... Petitioner

Versus

Balkrishna Laxman Gokhale and Anr.

... Respondents

Dr.Veerendra Tulzapurkar, Sr. Adv. a/w. Mr. Mayur Bhojwani, Ms.Prangana Barua
i/b. M/s. Manilal Kher Ambalal and Company for the Petitioner.
None for the Respondents.

CORAM : AKIL KURESHI &
S.J. KATHAWALLA, JJ.
DATE : 26TH JUNE, 2019

P.C.:

1. The Petitioner bank has filed the present Writ Petition against Consumer Complaint No. 76 of 2018 filed by Respondent No. 1 under Section 12 of the Consumer Protection Act, 1986 (the Act) before the District Consumer Disputes Redressal Forum, Sangali (Respondent No. 2). It is submitted on behalf of the Petitioner bank that the said complaint be quashed and set aside, since it is settled Law with the Consumer Disputes Redressal Agencies established under Section 9 of the Act, have no jurisdiction under Section 11 of the Act to entertain a service dispute between an employer and employee relating to service conditions granted pursuant to service regulations. It is also submitted on behalf of the Petitioner bank that the

Supreme Court has in the case of *V.Kannappan and Ors. Vs. Additional Secretary, Ministry of Finance and Commercial Affairs and Ors.*¹ held that a claim for pension under the Pension Regulations was sustainable only if the employee had exercised the pension option in lieu of provident fund benefits within the time stipulated under the Pension Regulations. It is submitted that the said Judgment squarely applies to the present case.

2. Admittedly, the Petitioner bank has filed its Written Statement before the Consumer Forum, dated 26th June, 2019, setting out all its defences / objections. In view thereof, we are not inclined to entertain the above Writ Petition at this stage, save and except, issuing the following directions :

- i. The District Consumer Disputes Redressal Forum, Sangli, shall within a period of eight weeks from the date of this Order, decide the issues pertaining to the jurisdiction and maintainability as preliminary issues.
- ii. All contentions of the parties are kept open.
- iii. The above Writ Petition is accordingly disposed off.

(S.J.KATHAWALLA, J.)

(AKIL KURESHI, J.)

¹ (2015) 2 SCC 623