

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

LPA No.266 of 2015 (O&M)
Decided on : 16.01.2019

Jagdish Kumar Jindal

..... Appellant

Versus

State Bank of Patiala & others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Parvesh Kumar Banwal, Advocate for
Mr. B.D.Sharma, Advocate
for the appellant.

Mr. V.K.Garg, Advocate
for respondent No.1.

Manjari Nehru Kaul, J.

Challenge in the present appeal is to the order dated 30.01.2015 passed by learned Single Judge in CWP No.1159 of 2015 vide which the writ petition was dismissed.

2. The appellant in the aforesaid writ petition challenged the order dated 30.03.2012 (Annexure P-5) passed by the State Consumer Disputes Redressal Commission, Punjab wherein exemplary cost of ₹ 50,000/- had been imposed upon the appellant while dismissing F.A. No.481 of 2011 titled as “Jagdish Kumar Jindal vs. State Bank of Patiala and another”. The case of the appellant was that the costs imposed upon him was without jurisdiction being in excess of ₹ 10,000/- and thus, void and non-est in the eyes of law.

3. Learned Single Judge vide impugned order dated 30.01.2015 dismissed the writ petition by concluding that even if an order had been passed by an authority and there was a forum for assailing the same, then

the action could only be pursued before such forum, for which Article 226 could not be invoked, as there was an efficacious remedy to be pursued in the forum, statutorily created for the said purpose.

4. It is a matter of record that the appellant had filed a revision petition before the National Consumer Forum against the imposition of costs of ₹ 50,000/- upon him by the State Consumer Disputes Redressal Commission. However, the said revision petition was withdrawn on 15.01.2013. Hence, in this background, he had himself forfeited his right to canvass the correctness of the impugned decision of imposition of costs of ₹ 50,000/-. Learned Single Judge, therefore, was justified in dismissing the petition by holding that the appellant could not be heard on the validity of the order of what he failed to do before a competent forum i.e. National Consumer Forum.

5. After hearing learned counsel for the parties and taking into consideration all the relevant factors and material on record, we are of the considered opinion that there is no error in the order of the learned Single Judge and the present appeal is bereft of any merit and hence, does not warrant any interference.

6. Accordingly, the present appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

16.01.2019
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No