

02.12.2021
Ct. 21
D/L 18
ab

C.O. 1237 of 2021
(Via Video Conference)

Tapas Dutta
-Vs-
indranil Bhattacharjee (Prop. Of M/s. A & B
Developers)

Mr. Tapas Dutta,

... for the petitioner

Mr. Souvik Nandy,

... for the opposite party

Heard the learned advocates for the petitioner as well as the learned advocate for the opposite party.

The petitioner has filed the instant revisional application under Article 227 of the Constitution of India praying for expeditious disposal of the interlocutory applications being IA/864/2019, IA/885/2019, IA/10/2020, IA/77/2020 and IA/78/2020 pending before the West Bengal State Consumer Disputes Redressal Forum. That due to non-disposal of such interlocutory applications, hearing of the main Complaint Case No. CC/272/2019 could not be proceeded further.

The learned advocate appearing for the opposite party raises objection and submits that the Hon'ble High Court has no jurisdiction to give any direction to the West Bengal State Consumer Disputes Redressal Forum. In support of his submission, he refers to a decision in the case of *K. Gnanprakasam Manimalan – versus- K. Subrayan*, reported in 2004 0 (Supreme

(Mad) 659. Therefore, he prays for dismissal of the present case.

Perused the cited decision. I do not find application of the cited decision in the present case, as the petitioner has not challenged any order passed by the West Bengal State Consumer Disputes Redressal Forum. Rather, the petitioner has prayed for expeditious disposal of the interlocutory applications pending before the West Bengal State Consumer Disputes Redressal Forum.

That apart, Article 227 of the Constitution of India clearly provides that every High Court shall have the superintendence over all Courts and Tribunals through out the territorial jurisdiction to which it exercise jurisdiction (except a Court formed under a law related to Armed Forces).

Therefore, I am unable to accept the submission made by the learned lawyer for the opposite party.

Since the petitioner has prayed for expeditious disposal of the pending applications in the main complaint case, no interest of the opposite party is likely to be prejudiced. Therefore, the prayer is allowed.

The West Bengal State Consumer Disputes Redressal Forum is directed to dispose of all pending interlocutory applications filed by the petitioner in Complaint Case No. CC/272/2019, as expeditiously as possible and in any event, within a period of three months from the date of communication of this order and subject to diary maintained by the concerned consumer forum.

Accordingly, the revisional application **being C.O. 1237 of 2021** is disposed of.

There shall be no order as to costs.

Parties are to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if

applied for, be given to the parties, upon compliance of all formalities.

(**Kesang Doma Bhutia, J.**)