

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 17.09.2021

Coram::

THE HONOURABLE Mr.JUSTICE G.CHANDRASEKHARAN

C.R.P(PD).No.1929 of 2021

P. Ayyamperumal IRS, M.A., M.L,
Commissioner of Customs & Gst (Rtd),
Plot No.150 B, 4th Main Road, Sadasivanagar,
Madipakkam, Chennai – 600 091. ... Petitioner

/versus/

1. The Manager,
Kotak Mahindra Finance Department,
Samson Tower, 5th Floor,
Pantheon Road, Chennai – 600 008.
2. The Manager,
Reliance Retail Ltd.,
Reliance Digital,
AVS Crown Plaza, Old No.39,
New Door No.391, Velachery Tambaram Road,
Chenani – 600 042. ... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 21.04.2021 passed in S.R.No.284 of 2020 by DCDRC, Chennai (South) and consequently issue direction to the President, DCDRC, Chennai (South) to give effect to the provision contained in Sub Section 3 of Section 36 of the consumer Protection Act, 2019 read with 2nd proviso thereon.

For Petitioner : Mr. P.Ayyamperumal

ORDER

This Civil Revision Petition is filed to set aside the docket order dated 21.04.2021 passed in S.R.No.284 of 2020 by DCDRC, Chennai (South) and consequently issue direction to the President, DCDRC, Chennai (South) to give effect to the provision contained in Sub-Section 3 of Section 36 of the Consumer Protection Act, 2019.

2. The petitioner would submit that, he has filed complaint under Section 12 of Consumer Protection Act, 1986. The grievance of the petitioner is that, no order has been passed with regard to admissibility of this complaint. According to him, as per Section 36(2) of the Consumer Protection Act, 2019, the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was filed.

3. In this case before the hand, the complaint was adjourned for passing order under Section 36(2) of the Consumer Protection Act, 2019, from 08.12.2020. The adjudication dated 21.04.2021 is that, complainant absent,

member post vacant, no quorum for passing necessary orders as per Section 36(2) of the Consumer Protection Act, 2019. Hence, the matter was adjourned on 16.06.2021. Even on 16.06.2021, the case was adjourned to 06.07.2021 for the reason that there is no quorum. Therefore, the Learned Counsel for the petitioner prays for direction to District Consumer Disputes Redressal Commission, (DCDRC), South-Chennai, to pass orders and to give effect to Section 36 (3) of Consumer Protection Act, 2019. From the adjudication order referred above, it is seen that, there is no quorum. This order was passed on 16.06.2021. The present position is not known. Therefore, the matter is remitted back to District Consumer Disputes Redressal Commission, (DCDRC), South-Chennai, for passing appropriate orders, if there is a quorum, by complying with the provision under Section 36 of the Consumer Protection Act, 2019. Accordingly, the **Civil Revision Petition is disposed of.** No costs.

सत्यमेव जयते

17.09.2021

Index : Yes/No
Speaking order/Non-speaking order.

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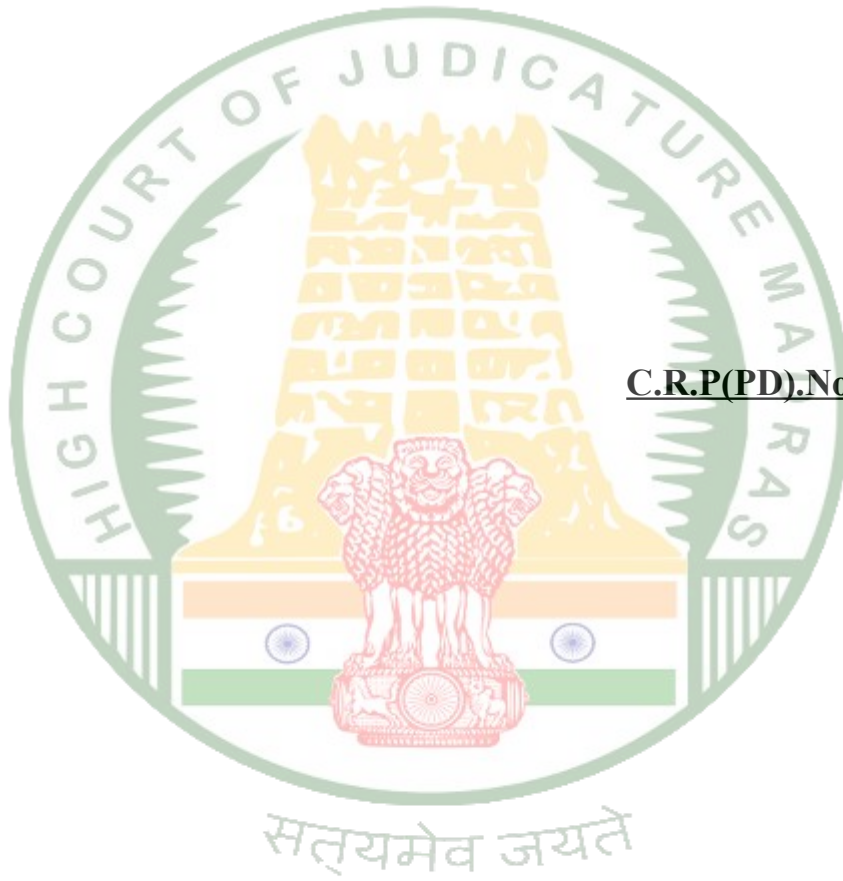
To:-

1. The District Consumer Dispute Redressal Commission, Chennai, (South), Chennai.
2. The Section Officer, V.R.Section, High Court, Madras.

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G.CHANDRASEKHARAN,J.

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