

12.04.2022  
Item No.32  
Ct. No.7  
CHC  
(disposed of)

**C.O.791 of 2022  
(Physical Hearing)**

**Balageria Central Co-operative Bank Limited &  
anr.**

**Vs.**

**M/s. Star Sea Food & anr.**

Mr. Madan Mohan Roy  
...for the petitioners

Learned advocate for the petitioners contends that the petition challenging maintainability has been kept pending with an observation that the same may be decided on evidence, to be adduced by the parties to this case.

The only contention expressed by the petitioners is that that instead of keeping the maintainability petition deferred, the same should have been instantly disposed of on the basis of the documents produced by the petitioners.

Upon perusal of the impugned order, it appears that the learned Member, West Bengal State Consumer Dispute Redressal Commission, Kolkata, was not inclined to decide the maintainability petition in the absence of the evidence being adduced.

When there has been no rejection of the prayer for maintainability petition by any express words, the maintainability application may be heard out

expeditiously as possible, providing sufficient opportunity of hearing to either of the parties to this case, but without granting any unnecessary adjournment, unless it is extremely unavoidable. This order is passed without going into the merits of the case.

The revisional application is thus disposed of with such observation.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

**(Subhasis Dasgupta, J.)**