

OD-21

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

CC/20/2022

DR. KUNAL SAHA
VS
DIPA SEN (MAITY)

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date :2nd May, 2022

Appearance:

Dr. Kumal Saha, In Person.

Mr. P. Sinha, Adv.

Mr. M. Malhotra, Adv., Adv.

...For the State

The Court: The petitioner, appearing in person with leave of Court, submits that the West Bengal State Consumer Dispute Redressal Commission, Kolkata, vide order No.53 dated March 10, 2022, refused to decide the point taken before the said Commission, despite the categorical direction of this Court to permit the petitioner to appear in person.

Learned Counsel appearing for the alleged contemnor contends that the passing of the order in question dated March 10, 2022 does not comprise of any contumacious act at all.

Although it has been suggested by the petitioner, appearing in person, that a serious allegation has been levelled against the petitioner, it is seen from a copy of an interlocutory application filed before the Commission, which is handed over in Court today by the petitioner, that the Opposite Party No.3 in the proceeding before the Commission took out the said application, primarily on the

allegation that the present petitioner, having used his appearance for the complainant in the proceeding before the Commission as a “profession” and, as such, he is debarred under Regulation 16(7) of the Consumer Protection Regulations, 2005 from so appearing.

Hence, it is not found that the Commission, while passing the order in question dated March 10, 2022, committed any contumacious act at all. Since the administrative member of the Commission, who was taking up the matter on the said date, was not confident that the matter should be adjudicated without the participation of a judicial member, she had merely adjourned the matter to March 28, 2022 for further order, without deciding the same on merits.

Learned counsel appearing for the respondent/alleged contemnor submits that the judicial member of the Commission is now available.

In view of the above submissions and upon a perusal of the allegations made in the contempt application, it is evident that no contumacious act was committed by the alleged contemnor at all in passing the order dated March 10, 2022.

However, the petitioner is justified in apprehending that the disposal of his complaint shall take an indefinite period, since already the matter is pending before the Commission from the year 2013.

Hence, the Commission, taking up Complaint Case no.CC/28/2013 and the connected interlocutory application(s), shall take up the main complaint case

and the connected application(s) as expeditiously as possible and dispose of the same preferably within three months from date.

It is made clear that the merits of the respective contentions of the parties in the complaint case and the interlocutory application have not been gone into by this Court at all.

It is further clarified that, for the purpose of carrying out the direction contained in this order, the President of the State Consumer Disputes Redressal Commission, Kolkata shall be at liberty to assign the matter before any appropriate Bench of the Commission.

No order as to costs.

Urgent certified photocopies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)