

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.36033 of 2021
(Through hybrid mode)**

Anantha Charan Das

....

Petitioner

Mr. G.Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C. Panda, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
09.02.2022**

Order No.

- 01.** 1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, his client wants appropriate orders directing opposite party no.2 (Consumer Disputes Redressal Commission, Bhubaneswar) to dispose of C.D. Case no.201 of 2019.
2. He submits further, **order dated 6th August, 2012** of the Supreme Court in **SLP (C) no.24228 – 24229 of 2002 (Cicily Kallarackal)** cannot be applied in preventing this Court from exercising writ jurisdiction.
3. This Bench by **order dated 15th December, 2021** in **W.P.(C) no.32749 of 2021 (Balimela Hydro Electric Project (Unit of Odisha Hydro Power Corporation Ltd.) vs. District Consumer Redressal**

Commission and another has already held that the High Court is bound by the caution in **Cicily Kallarackal** (supra) and will not entertain the writ petition. By **Cicily Kallarackal** (supra) the Supreme Court declared that since appeal lies to it from order of the National Commission, writ petitions should not be entertained by the High Courts and accordingly the caution issued. The other appellate authority, provided by the statute, is not a Court. Law declared therein appears to be, because the statute (Consumer Protection Act, 1986) provides that the Supreme Court is the first appellate Court, the High Courts were cautioned against exercising constitutional writ jurisdiction against the National Commission. There was no exception made that the District or State Commissions would be subject to judicial review by the High Courts under articles 226 and 227 but not the National Commission. Hence, the caution applies and though the High Courts have constitutional writ jurisdiction but judgment law of the Supreme Court bars exercise of the same in respect of matters arising out of operation of Consumer Protection Act, 2019.

4. The writ petition is dismissed.

(Arindam Sinha)
Judge

Prasant