

September 19, 2023
Sl. No.5
Court No.19
s.biswas

CO 2824 of 2023

Vodafone Idea Limited
vs.
Shri Vivek Bharadwaj and another

Ms. Ashika Daga
Mr. Jishnujit Roy

... for the petitioner

Mr. Indrajeet Dasgupta
Ms. Puspita Bhowmick

... for the opposite party no.2

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the opposite party no.1.

This revisional application arises out of an order dated April 10, 2023, passed by the learned West Bengal state Consumer Disputes Redressal Commission, Kolkata.

By the order impugned, IA/18/2023 was rejected. By the said application, the petitioner prayed for recalling of the order dated July 4, 2022, by which the proceedings were fixed for ex parte hearing. The learned commission found that the matter had been fixed on May 16, 2022. The State Government had declared that day to be a holiday and the matter was taken up by the learned commission on May 17, 2022. The petitioner was absent. The matter was fixed for filing of the written version within June 17, 2022. Again on June 17, 2022, the written version was not filed and the

matter was fixed on July 4, 2022 for filing of the written version. On July 4, 2022, the petitioner again did not appear and the matter was fixed for ex parte hearing.

It appears from the order-sheet that the petitioner had approached the commission by filing an application, challenging the maintainability of the complaint case. The proceedings went up to the National Consumer Disputes Redressal Commission.

Thus, this is not a situation when the petitioner was not aware of the proceedings. However, for the ends of the ends of justice, this court is of the view that an opportunity should be given to the petitioner to contest the complaint case by filing the written version.

Thus, the order fixing the proceeding for ex parte hearing is recalled. The order dated April 10, 2023 is set aside. The petitioner shall file written version within two weeks from the date of communication of the order before the learned commission, provided the cost is paid. Cost of Rs.20,000/- to be paid to the opposite party no.1 or to the learned advocate on behalf of the opposite party no.1 within 10 days from date. In case of default, the proceeding will continue ex parte.

The revisional application is thus disposed of.

All the parties are directed to act on the basis of the server copy of the order.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Shampa Sarkar, J.)