

October 11, 2023
Sl. No.28
Court No.19
s.biswas

CO 3436 of 2023

Debnarayan Construction Private Limited and others
vs.
Sri Siddhartha Sarkar and another

Mr. Ranjan Kali
Ms. Mitul Chakraborty
Ms. Mili Saha
Ms. Payel Nath
Ms. Anindita Maity

... for the petitioners

The revisional application arises out of an order dated August 25, 2023 passed by the learned State Consumer Disputes Redressal Commission, West Bengal in connection with Case No.IA/134/2023 arising out of complaint case no.CC/77/2022.

By the order impugned, the learned commission disposed of IA/133/2023 as 'not pressed' on the submission made by the learned advocate for the opposite party nos.2 and 3. The learned commission imposed cost of Rs.5000/- for the ends of justice and for grant of adjournment on the said date.

However, the application being IA/134/2023 was fixed for hearing.

Mr. Kali, learned advocate for the petitioners submits that the said order suffers from the following irregularities:

- a) The complainant did not file the amended version of the petition of complaint. The proceedings could not go on without such amended complaint.

- b) The learned Commission advised the learned advocate to withdraw the application being IA/133/2023, although the petitioners wanted to place such application and pray for removal of the matter from the ex-parte board.
- c) That the proceeding was continuing ex parte.

It appears from the first line of the order that the plaintiff was filed amended version of the petition of complaint. A copy was served and the same was kept on record.

It further appears that the petitioners themselves did not press IA/133/2023, by which prayer was made for removal of the proceedings from the ex parte hearing board.

It also appears that the learned commission, on being satisfied that repeated prayers for adjournment had been made, directed payment of cost. Finally, the application of IA/134/2023 is pending. The learned Commission has fixed a date.

Under such circumstances, the revisional application fails. The petitioners had not suffered any prejudice by the order impugned.

The revisional application is thus dismissed.

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.)