

OD 5

WPO/1833/2023
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

GOUR DUTTA
VS
REGISTRAR, CUNSUMER DISPUTE
REDRESSAL COMMISSION, KOLKATA AND ORS.

BEFORE:
The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA
Date: 4th January, 2024.

Appearance:
Mr. Jatinder Singh Dhatt, Adv.
...for the petitioner

Mr. Rupak Ghosh, Adv.
Sk. Sujauddin, Adv.
...for the respondent no.2

The Court: Affidavit of service filed today be kept on record.

The present challenge was preferred against an order of the District Consumer Forum wherein it was recorded that the petitioner has to approach the High Court for appropriate orders. The petitioner contends that the petitioner entered into an agreement with the developer to purchase a flat with regard to the developer's exclusive share and approached the District Forum for appropriate relief directing the developer to execute a deed of transfer in favour of the petitioner. However, the District Forum relegated the petitioner to the High Court.

Learned counsel appearing for the Receiver submits rightly that the appropriate forum for preferring the present challenge is the appellate authority provided under the Consumer Protection Act and not this Court under Article 226 of the Constitution.

In view of availability of an equally efficacious alternative remedy and since I do not find any palpable error apparent on the face of the record to invoke the jurisdiction under Article 226, there is no scope of interference in the writ petition.

Accordingly, WPO/1833/2023 is disposed of with liberty to the petitioner to approach the appropriate appellate forum in accordance with law with the challenge against the impugned order of the District Forum. If such challenge is preferred, the appellate forum shall decide the same independently in accordance with law without being influenced in any manner by any of the observations made herein on the merits of the case.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)