IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3923 of 2024

Employee State Insurance Corporation, B.O. Dhanbad, ESI Corporation, Ist Floor, SBI, ATM Building, Chiragora, Hirapur, P.O., P.S. Hirapur, Dist. Dhanbad through its Social Security Officer, Arun Kumar Choudhary s/o Shree Ramjeevan Choudhary, aged about 37 years, r/o Dhurva P.O. Dhurva, P.S. Dhurva, Dist. Ranchi

.... Petitioner

Versus

Md. Moozammil Ansari r/o Village & P.O. Bhitia, P.S. Govindpur, Dist. Dhanbad ...Respondents

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CORAM : HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner : Mr. Ashutosh Anand, Adv.

For the Respondents : .....

04/Dated:07.12.2024

The Instant writ application has been preferred by the petitioner praying for a direction upon the respondent authorities for staying the Show Cause Notice dated 06.06.2024 issued by the learned District Consumer Commission, Dhanbad in Execution Case No.05 of 2024 (Annexure-3) till hearing of the stay application of the petitioner filed in F.A. No.42 of 2024 and he further prays for staying the further proceedings of Execution Case No.5/2024 pending before the learned District Consumer Commission, Dhanbad filed for execution of the judgment dated 20.03.2024 passed in Complaint Case No.77/2023 by the learned District Consumer Commission, Dhanbad, inasmuch, the Appeal being F.A. No.42 of 2024 has been filed before the

Jharkhand Consumer Disputes Redressal Commission, Ranchi and the said Forum is unable to function for want of quorum.

2. Learned counsel for the petitioner submits that pursuant to issuance of Show Cause Notice dated 06.06.2024 issued by the learned District Consumer Commission, Dhanbad in Execution Case No.05 of 2024 (Annexure-3), he has filed an appeal being First Appeal No.42/2024 for staying the further proceedings of Execution Case No.5/2024 before the Jharkhand Consumer Disputes Redressal Commission, Ranchi.

However, since the quorum of the appellate forum, Ranchi is not complete and practically it is not functioning; as such interest of justice demands that the further proceeding in Execution Case No.5 of 2024 shall remain stayed till hearing of First Appeal No.42 of 2024 pending before the appellate court or at least till disposal of interlocutory application for stay of proceeding filed before the same forum.

3. Learned counsel for the State fairly submits that the Jharkhand State Consumer Commission is not functioning and as such necessary order may be passed.

4. Having regard to the peculiar facts and circumstances of the case, since the Appeal being F.A. No.42 of 2024 has been filed by the petitioner against the Show Cause Notice dated 06.06.2024 issued by the learned District Consumer Commission, Dhanbad in Execution Case No.05 of 2024 and the same is still pending due to lack of quorum and the hearing of the said appeal has not been taken up; as such, interest of justice would be sufficed by directing the District Forum to stay the further proceeding in Execution Case No.05 of 2024.

5. Accordingly, the learned District Consumer Commission, Dhanbad is directed not to proceed in Execution Case No.05 of 2024 till the appeal being F.A. 42 of 2024 is disposed of or at least the State Commission starts functioning in full capacity and dispose of the Stay Application filed before it is decided.

6. As a result, the instant writ application stands disposed of. Pending I.A., if any, also stands closed.

(**Deepak Roshan, J.**)

Fahim/-