

S.R.JOSHI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 12500 OF 2022

Smt. Sudhadevi H. Poddar

... Petitioner

Versus

The State of Maharashtra
& Others

... Respondents

SMITA
RAJNIKANT
JOSHI

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SMITA RAJNIKANT
JOSHI

Date: 2024.03.02
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Mr. S. Das with Ms. Mesharanjani Chandu i/b. Krishnamurthy & Co., for the Petitioner.

Ms. S. D.Vyas, Addl. G. P. with Ms. P.N. Diwan, AGP for the Respondent-State.

Mr. Surel Shah with Mr. Suhas S. Deokar, for Respondent Nos. 5 & 6.

CORAM: G. S. KULKARNI &
FIRDOSH P. POONIWALLA, JJ.
DATED: 29th FEBRUARY, 2024

P.C.

We have heard the learned Counsel for the parties. We are not inclined to entertain this Petition for the reason that the Petitioner has an alternate remedy to approach the National Consumer Commission under the provisions of Section 21 (a) (ii) of the Consumer Protection Act, 1986 to assail the impugned Order dated 27th January, 2020 passed by the State Consumer Dispute Redressal Commission, Maharashtra, Mumbai on Misc. Application No. EA/17/142 and the consequential Order dated 24th July, 2019 (Ex.'L').

2 Not only under the provision of the Act of 1986 but also under the provisions of the Consumer Protection Act, 2019, under Section 58 (1)(a) (iii) an appeal against the orders of any State Commission is provided for.

3 We are not persuaded by the contentions, as urged on behalf of the Petitioner, referring to the decision of *Karnataka Housing Board v/s. K.*

*A. Nagamani*¹, as the said decision has not been rendered on the provisions of Section 21 (a)(ii) of the Consumer Protection Act, 1986 but on the provisions of Section 21 (b) which provide for exercise of Revisional jurisdiction by the Commission. If the contention of the Petitioner is accepted, then this Court, in its writ jurisdiction, would be flooded with writs filed against orders of the State Consumer Disputes Redressal Commission.

4 Accordingly, Writ Petition is disposed of. Petitioner is permitted to pursue the alternate remedy as available to the Petitioner.

5 All contentions of parties are expressly kept open. No costs.

(FIRDOSH P. POONIWALLA, J.)

(G. S. KULKARNI, J.)

1 (2019) 6 SCC 424