

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12482 of 2016

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Awanindra Kumar Upadhyaya @ Guddu Upadhyaya son of late Rama Shankar Upadhyay resident of Village- and Post Office Sukarwalia Police Station itarhi, District Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The State Consumer Disputes Redressal Commission, Bihar, Patna, through its Chairman
3. The District Consumer Dispute Dispute Redresal Forum, Buxar
4. Sidhnath Choudhary son of late Nathuni Choubey resident of Village and Post Office Sukarwalia, Police Station Itarhi, District Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey, Advocate
For the Respondent/s	:	Mr. Ashutosh Nath, Advocate
		Mr. Amritanshu Dangi, Advocate
		Mr. Kumar Manish, SC-5
		Mr. Kumar Pankaj, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

5 06-08-2025 Heard learned counsel for the petitioner and learned counsel appearing for respondents-State.

2. In the present writ application the petitioner has challenged order dated 31.01.2013 (Annexure-3) passed by State Consumer Dispute Redressal Commission, Bihar in Appeal No.538 of 2006 and order dated 21.04.2005 (Annexure-



4) passed by District Consumer Disputes Redressal Forum, Buxar in Complaint Case No.11 of 2003 whereby the learned District Consumer Disputes Redressal Forum, Buxar has directed the petitioner and two others to pay Rs.3,00,000/- to the respondent no.4. Further prayer has been made for not taking coercive step against the petitioner.

3. On the last occasion itself respondents-State has raised an objection with regard to the maintainability of the present writ application submitting that the petitioner has a remedy of appeal under Section 51 of the Consumer Protection Act, 2019 and therefore, on account of availability of alternative remedy the present writ application should be dismissed as not maintainable.

4. Today, when the case is called out, learned counsel appearing for the petitioner is unable to defend the maintainability of the present writ application in light of the alternative remedy available to him in law.

5. Considering the fact that the impugned orders are appealable before the National Consumer Disputes Redressal Commission, New Delhi, under Section 51 of the Consumer Protection Act, 2019, the present writ application filed by the petitioner without availing the alternative remedy is held to be



not maintainable and accordingly, dismissed. All pending I.As,
if any shall be deemed to have been disposed of.

(Alok Kumar Sinha, J)

Prakash Narayan

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