

19.05.2025
Court No.652
Item No.14
sudipta

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE**

C.O. 305 of 2023

**M/s. Sunshine Construction & Anr.
Vs.
Sri Bhuban Mohan Guin & Anr.**

Mr. Deb Kumar Sen
Mr. Amitava Das

...for the petitioners

Mr. Lutful Haque
Ms. Taharima Khatun

...for the opposite party no. 1

1. Present petition has been filed assailing the order dated 20th October, 2022 passed by the State Consumer Disputes Redressal Commission in Revision Petition No. RP/114/2022. In brief the grievances of the petitioners/opposite parties is that he had filed an application before the District Consumer Forum challenging the maintainability of the complaint on the ground of pecuniary jurisdiction and in the same he had also taken an objection that the complaint is barred by limitation. Learned counsel submits that the issue of limitation was not at all being touched by the District Consumer Forum on its orders dated 5th August, 2022 Similarly, the State Consumer Forum also did not touch upon the issue of limitation. Learned counsel submits that the

District Consumer Forum is bound to decide the issue of limitation before proceeding with the complaint.

2. Learned Counsel for the opposite parties/complainants submits that the issue of pecuniary jurisdiction on which the maintainability was assailed has duly been decided.
3. The Court has gone through the application filed by the petitioner before the District Consumer Forum. The application reveals that the issue of limitation was taken by the petitioners, however, there is no mention of the issue of limitation in the order passed by the District Consumer Forum. Thus, without going into the merits and in order to see that the issue of limitation is adjudicated by the District Consumer Forum as a preliminary issue, the matter is remanded back to the learned District Consumer Disputes Redressal Commission, Rajarhat (New Town).
4. Learned District Consumer Disputes Redressal Commission, Rajarhat (New Town) shall decide the issue of limitation being raised by the petitioner in terms of application being no. M.A. 8/2020 being filed by the petitioner expeditiously.

5. With these observations, the instant petition stands disposed of.
6. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Court.

(Dinesh Kumar Sharma, J.)