

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

Present:

The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas

**FMA/631/2025
With
IA NO: CAN/1/2025
SRI UTTAM KUMAR HALDER
VS
THE UNION OF INDIA AND ORS.**

For the Appellant(in person): Mr. Uttam Kumar Halder

For the Union of India : Mr. Anil Kumar Gupta, Advocate
Mr. Rajesh Kr. Shah, Advocate

For Respondent No 2 : Mr. Susanta Pal, Advocate
Ms. Ananya Neogi, Advocate

For Respondent No.3 : Mr. Ramendu Agarwal, Advocate

For the Respondent Bank : Mr. Debashis Saha, Advocate
Mr. Sanjoy Ghosh, Advocate
Ms. Sucheta Pal, Advocate

Heard & Judgment on: August 11, 2025

Debangsu Basak, J.

1. Appeal is at the behest of the appellant and directed against the order dated January 15, 2025 passed in WPA 26983 of 2024.

2. By the impugned order, learned Single Judge, disposed of the writ petition after noticing that, the appellant is aggrieved by an order passed by the District Forum. Learned Single Judge directed that it will be open for the appellant to approach the Appellate Forum for relief, if so advised.
3. Appellant appears in person. Appellant submits that, appellant entered into an agreement with a bank and the dealer for purchasing a vehicle. Dealer never delivered the vehicle to him, although, the appellant became liable to pay the equated monthly installments.
4. Appellant submits that, appellant applied for transfer of the complaint case from the District Consumer Forum to an appropriate authority. He approached the State Commission for such purpose and, thereafter, National Commission. Neither the State Commission nor the National Commission granted him relief.
5. Appellant submits that, during the pendency of the transfer application, the District Forum proceeded to hear and dispose of the complaint case finally. He submits that, he is prejudiced by such a decision of the District Forum. He also submits that, he preferred an appeal before the State Commission directed against the order of dismissal of his complaint by the District Consumer Forum.
6. The Registrar, State Consumer Dispute Redressal Commission, Bank, Dealer and the Union of India are represented.
7. Apparently, appellant, sought to purchase a vehicle from the identified dealer. Appellant also entered into a hire purchase agreement with the bank. Equated monthly installment for the vehicle was deducted from the bank account of the appellant. Appellant claims that he never received delivery of the vehicle. Dealer claims that, the delivery of the vehicle was offered after registration.

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8. Appellant approached the District Consumer Forum and lodged a complaint with regard to deficiency in service. Appellant, thereafter, applied for transfer of such complaint case to an appropriate forum. Request for transfer was initially made before the State Consumer Forum. State Commission rejected the same by an order dated August 21, 2024. Aggrieved thereby, appellant approached the National Commission. National Commission rejected the request of the appellant by an order dated October 29, 2024.
9. Appellant thereafter approached the High Court. Appellant in the writ petition prayed that the orders passed by the District Consumer Forum pending the decision on the transfer application should be set aside. During the pendency of the writ petition, District Consumer Forum passed the final order in the complaint case lodged by the appellant. Appellant preferred an appeal before the State Commission. Appeal is yet to be disposed of.
10. In such circumstances, we are not minded to interfere under Article 226 of the Constitution of India since, appellant, himself, availed of statutory alternative remedy by preferring an appeal against the final order of the District Consumer Forum to the State Commission. Interim order passed by the District Consumer Forum stands merged in the final order.
11. As and by way of abundant caution, we clarify that, none of the observations made either by the learned Single Judge in the writ petition nor this judgment and order of ours will prejudice any of the parties in any manner whatsoever in the pending appeal before the State Commission.
12. State Commission is at liberty to hear and decide the appeal being uninfluenced by any observations made by the High Court. All points

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raised by the respective parties are kept open to be decided by such appeal.

13. FMA/631/2025 along with the connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

14. I agree

(Prasenjit Biswas, J.)

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