

Court No. 6
(265719)

04.07.2025
(AD 198)
(S. Banerjee)

CO 1634 of 2025

Smt. Anindita Pathak Saha & Anr.
Vs.
Bengal Roy's Real Estate Pvt. Ltd. & Ors.

Mr. Kushal Chatterjee
Mr. Shibjit Mitra

...for the petitioners

Ms. Soni Ojha

...for the opposite parties

Affidavit of service filed in Court today, is taken
on record.

This application under Article 227 of the
Constitution of India is at the instance of the plaintiff
and is directed against Order dated January 17, 2025
passed by the learned State Consumer Disputes
Redressal Commission, West Bengal, Kolkata ('the
State Commission', for short) in Revision Petition No.
SC/19/RP/134/2024.

By the order impugned, the revision petition was
allowed thereby setting aside the order being no. 18
dated July 22, 2024, passed by the learned District
Consumer Disputes Redressal Commission at
Barasat, District North 24 Parganas ('the District
Commission', for short).

Learned advocate appearing for the petitioners submits that the State Commission allowed the revision petition without giving any opportunity to the petitioners to contest the same.

Mr. Chatterjee, learned advocate appearing for the opposite parties submits that the State Commission had set aside the order of the District Commission as the application for local investigation was allowed by the District Commission by a non-speaking order.

Heard the learned advocates for the parties and perused the materials placed.

The learned District Commission passed an order dated July 22, 2024 in CC/152/2021 thereby allowing the application for local investigation on the points mentioned in the application for local investigation.

Being aggrieved by such order, the opposite parties herein approached the learned State Commission by filing a revision petition being RP/134/2024. The learned State Commission fixed December 20, 2024 for hearing on the point of admission of the revision petition. On December 20, 2024, the State Commission after hearing the learned advocate for the revisionists/opposite parties herein

concluded the hearing and fixed January 17, 2025 as “For Order”. The State Commission allowed the revision petition by an order passed on January 17, 2025 thereby setting aside the order dated July 22, 2024 passed by the District Commission.

After going through the materials on record this court finds that the revision petition was allowed without giving any opportunity to the petitioners to contest the same. Thus, there has been gross violation of the principles of natural justice for which this court is inclined to interfere with the order passed by the State Commission.

For the aforesaid reason, the order dated January 17, 2025 is set aside. The revision petition being RP/134/2024 is restored to its original file and number and the State Commission is directed to proceed in accordance with law from the stage of the hearing of the revision petition.

Since the petitioner has in the meantime obtained the certified copy of the revision petition which is part of the civil revision application, there is no requirement for passing a direction upon the opposite parties to serve a copy of the revision petition upon the petitioner.

The parties will be at liberty to approach the State Commission for fixing a date of hearing of the revision petition. If such an approach is made, the State Commission is requested to fix an early date of hearing of the revision petition being RP/134/2024 and make an endeavour to see that the same is disposed of in accordance with law as expeditiously as possible without granting any unnecessary adjournment to either of the parties.

With the above observation, CO 1634 of 2025 stands allowed.

In view of the order passed by this Court, there shall be an order of stay of operation of the order dated July 22, 2024 passed by the District Commission in CC No. 152 of 2021 till the date fixed for first hearing by the State Commission.

It will be open to the opposite parties herein to pray for extension of interim order before the State Commission. If such a prayer is made, the State Commission shall consider the same and pass orders in accordance with law.

(Hiranmay Bhattacharyya, J.)