

20.01.2025
Item No.4
gd/ssd

FMA/814/2024
DR. SUBRATA MUKHERJEE @ DR. S. MUKHERJEE
VS
THE WEST BENGAL STATE CONSUMER DISPUTES
REDRESSAL COMMISSION, KOLKATA AND ORS.

Mr. Purnasish Gupta,
Mr. Jayanta Kumar Mukhopadhyaya
..for the Appellant.

Mr. Susanta Pal,
Ms. Ananya Neogi
..for the State.

1. The writ petitioner is the appellant in this intra court appeal being aggrieved by the dismissal of the writ petition by the impugned order.

2. The matter arises under the provisions of the Consumer Protection Act.

3. The 2nd respondent herein filed a complaint before the State Consumer Disputes Redressal Commission, West Bengal claiming compensation of Rs.10 lakhs for the death of her husband.

4. The appellant herein and the Superintendent-cum-Vice Principal, Medical College, College Street, PS-Bowbazar, Kolkata-700012 were the opposite parties before the State Commission.

5. The State Commission had awarded a compensation of Rs.10 lakhs making both the opposite parties, namely, the appellant and the Superintendent-

cum-Vice Principal, Medical College as jointly and severally liable to pay the compensation amount.

6. The appellant did not challenge the order passed by the State Commission by filing an appeal before the National Commission. The Superintendent-cum-Vice Principal, Medical College is stated to have preferred an appeal before the National Commission which was dismissed and the said order was challenged before the Delhi High Court and the writ petition was dismissed as not maintainable.

7. In the execution petition filed before the State Commission the appellant had contended that he is ready and willing to pay a 50% of the awarded amount, namely, Rs.5 lakhs.

8. This prayer has been rejected by the State Commission and such order has become final.

9. Parallely, the present writ petition was filed with an identical prayer,

10. The provisions of the Consumer Protection Act is a self-contained code and it provides for the hierarchy of remedies and, therefore, a writ petition would not be maintainable to challenge an award passed by the State Commission nor to bifurcate the award into two.

11. Therefore, the learned Single Bench was right in dismissing the writ petition.

12. Hence, we find no ground to interfere with the impugned order.

13. However, it is well open to the appellant to discuss with the 2nd respondent herein and work out an amicable settlement.

14. Accordingly, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)