

05.05.2025.
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Ct.No.7.
as

WPA 24468 of 2022

**Bharat Kumar Bagla
Vs.
The President, District Consumer
Disputes Redressal Commission,
Kolkata Unit-III & Ors.**

Mr. Sidhartha Chatterjee,
Mr. Abir Lal Ghosh,
Mr. Biswajit Chowdhury.
...for the State.

Mr. Raja Saha,
Mr. Sanjay Mukherjee,
Ms. Bahnidipa Roy.
...for the Respondent No.6.

Mr. Kaushik Chatterjee,
Mr. Tithankar Dey.
...for the Respondent No.7.

1. The origin of the dispute in this writ petition arises from a peculiar stance taken by the SPIO and the Registrar-in-charge of the C.D.R.F., Kolkata Unit-III. While responding to the petitioner's application presented under Section 6 of the Right to Information Act, the authority expressed ignorance regarding the existence of any District Consumer Forum, specifically the Calcutta District Forum.

2. The petitioner's father purchased 500 shares, both in his own name and in the name of the petitioner. Subsequently, a dispute arose regarding the deficiency of service by Bajaj Auto Finance Limited. In response, the petitioner's father approached the Calcutta District Forum and filed a petition which was registered as C.D.F. Case No. 795 of 1996. As indicated in Annexure P-3 to the writ petition, the Forum passed an interim

order restraining Bajaj Auto Finance Limited from transferring the 500 shares to anyone other than the petitioner. This interim order was to remain in effect until the disposal of the case, C.D.F. Case No. 795 of 1996. In 2010, Bajaj Auto Finance Limited merged with Bajaj Finance Limited. The petitioner then approached Bajaj Finance Limited to inquire about the current status of the shares. In response, Bajaj Finance Limited provided a copy of the interim order to the petitioner. This prompted the petitioner to seek information regarding the outcome of the proceeding in C.D.F. Case No. 795 of 1996. To obtain this information, the petitioner made an application under Section 6 of the Right to Information Act to the competent authority.

3. As noted earlier, in a communication dated 9th December, 2021 addressed to the learned advocate of the petitioner, the competent authority stated that the office of the District Consumer Disputes Redressal Commission began functioning at its current location with effect from 13th October, 2015, replacing the Consumer Redressal Forum, South 24-Parganas, which was formerly known as the District Consumer Disputes Redressal Forum, South 24-Parganas. The authority further stated that he had no knowledge of the existence of any District Consumer Forum by the name of Calcutta District Forum.

4. Mr. Chatterjee, learned Advocate representing the petitioner referred to a decision reported in ***AIR 1992 Cal 95 (Smt. N. Taneja & Anr. Vs. Calcutta Distt. Forum & Ors.)*** to contend that this reported decision indicates that the Calcutta District Forum was in existence at that time. Therefore, the statement made by the SPIO and the Registrar-in-charge, claiming ignorance of the existence of the Calcutta District Forum, is factually incorrect. The records further reveal that the petitioner, aggrieved by the communication dated 9th December, 2021, filed a First Appeal under Section 19(1) of the Right to Information Act, 2005. The said appeal was disposed of by affirming the decision of the SPIO.

5. However, Section 19(3) of the Act of 2005 make a provision for second appeal against the order passed under Section 19(1) of the Act.

6. Considering the peculiarity of the circumstances, the writ petition is disposed of with liberty granted to the petitioner to prefer a second appeal before the competent authority in terms of Section 19(3) of the Right to Information Act, 2005.

7. If this appeal is filed before the competent authority within 15 days from the date of this order, it shall be considered and decided on its merits, without raising the issue of delay in its submission.

8. However, this order is passed solely based on the facts and circumstances of the present case and shall not be treated as a precedent.
9. With this observation, the writ petition is disposed of.
10. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)