

Item No. 44
26.11.2025
Court. No. 6
GB

C.O. 3866 of 2025

Bharat Hi-Tech (Cement) Pvt. Ltd.
Vs.
Damodar Valley Corporation & Ors.

*Mr. Saptangshu Basu, Sr. Adv.,
Mr. Ankit Agarwal,
Mr. Nilay Sengupta,
Mr. Sujit Banerjee*

...for the Petitioner.

*Mr. Rajarshi Dutta,
Mr. Sooriya Ganguli,
Ms. Pooja Chakrabarti,
Ms. Somdutta Bhattacharyya,
Ms. Arti Bhattacharyya,
Mr. Aritra Deb*

...for the Opposite Parties.

1. Affidavit-of-service filed in Court today, is taken on record.
2. It appears to this Court that the order dated October 17, 2025, passed by the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.855 of 2021 is, prima facie, without jurisdiction. Moreover, the order does not record any reason as to why the learned Commission passed an order in an execution proceeding, which was not even the subject matter of challenge before the Commission.
3. The Commission directed the District Forum not to take any coercive step against the petitioner in the execution proceeding, till the hearing of the matter. Although, the said interim order was extended by consent of the parties, the order dated October 17,

2025 was already under challenge before this Court prior to such extension.

4. Mr. Basu, learned senior advocate appearing on behalf of the petitioner submits that the complaint case had been allowed in favour of the petitioner and a money decree has been passed. The same has been put in execution. Thus, the National Commission which was hearing the revisional application from an order of remand of the complaint case, had lost all jurisdiction over the matter. The proceeding before the National Commission has become infructuous.
5. Prima facie, I find substance in what Mr. Basu submits.
6. Mr. Dutta, learned advocate for the opposite parties submits that, the Commission was yet to decide the revisional application finally. The interim stay was necessitated as the District Forum had restrained DVC from claiming its arrear dues from the petitioner, pursuant to the disconnection notices issued.
7. An appeal is pending adjudication before the learned State Commission at Kolkata. An application for stay is also pending. The proper course of action for the opposite parties would be to proceed before the said appellate forum. The order impugned is set aside. All questions raised by Mr. Basu with regard to the loss of jurisdiction of the National Commission in view of the disposal of the complaint case in favour of the complainant, shall be raised before the said forum.

However, as the next date before the learned State Commission is not available, no coercive measures shall be taken against the opposite parties for a period of one month from date, within which time the opposite parties shall make endeavour to get their stay application heard, at least on the point of ad interim stay, by filing a put up petition, if necessary.

8. Accordingly, the revisional application is disposed of. The order impugned is set aside.
9. All observations are, prima facie and the appropriate forum shall decide the pending issues on their own merits.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)