

1807
2025
FRIDAY

Court : CB-07
Item : DL-07
Bench : SINGLE
Matter : CO
Status : DO
ID : 266057
AR : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
APPELLATE SIDE
(ASSIGNED)

CO 3939 OF 2024
CAN 1 OF 2025
CAN 2 OF 2025

PARTHA DAN
VS.
UNION OF INDIA & ORS.

MR. SHAMIK BAGCHI, ADVOCATE
MR. FARHAD MALIK, ADVOCATE

.....for the Petitioner

MR. DEBASHIS SAHA, ADVOCATE

.....for the Opposite Parties

1. The present revisional application has been filed assailing the order dated 28.10.2024 passed by the West Bengal State Consumer Disputes Redressal Commission, Kolkata in T.A. No. 13 of 2024, whereby the petitioner's prayer for transfer of the case, being CC/642/2018, from the District Consumer Disputes Redressal Commission, Unit-III (South), Alipore, to either District Consumer Disputes Redressal Commission, Unit-I or Unit-II, was rejected.
2. Mr. Bagchi, learned Advocate appearing on behalf of the petitioner, submits that the petitioner is a senior citizen and had instituted the case in the year 2018. Although the matter was listed for argument on multiple occasions, it has yet to be disposed of. In light of the above, he contends that the order impugned in the present revisional application ought to be set aside, and the case be transferred to either Unit-I or Unit-II of the aforesaid Commission.
3. Mr. Saha, learned Advocate appearing on behalf of the opposite party, submits that the petitioner has approached this Court without first exhausting the alternative remedy available under the Consumer Protection Act, 2019. He contends that the petitioner ought to have preferred an appeal before the National Consumer Disputes Redressal Commission against the

order dated 28.10.2024 in accordance with the provisions of Section 51 of the 2019 Act, instead of filing the present revisional application.

4. Heard the learned Advocate for the respective parties. Perused the materials on record placed before me.
5. The order under challenge in this revisional application noted that the prayer for transfer of the case was made on the following grounds:-

“i) Since 22.01.2020, no final order was passed as yet due to resolution of the Bar, misplace of record and long dates are fixed for arguments.

ii) Another ground for transfer that was taken that the applicant is a senior citizen and facing great financial hardship due to non-payment of matured value against the T.D.R. by the opposite parties.”

6. However, as noted earlier, the State Commission did not find merit in the petitioner’s contention and, accordingly, rejected the prayer for transfer of the case. In its order, the Commission observed that the grounds cited for transfer were not satisfied, and that making allegations solely to seek a transfer is a recognised form of forum shopping, often employed to avoid a Bench perceived as strict or not unduly lenient, and to delay proceedings when a favourable order under the law appears unlikely. Finding no substance in the petitioner’s allegations, the State Commission dismissed the transfer application with costs of Rs. 5,000/-, payable by the applicant to the SCWF.
7. I too find no basis for the allegations made against Unit-III of the said Commission. Accordingly, I do not find any perversity in the order rejecting the petitioner’s prayer for transfer of the case to another Unit of the State Commission.
8. However, taking note of the fact that the petitioner, a senior citizen, has been pursuing his cause since 2018, the impugned order is modified to the extent that the petitioner’s transfer application is dismissed without any cost; that is, the petitioner stands relieved from the

liability to pay costs to the SCWF.

9. The District Consumer Disputes Redressal Commission, Unit-III, Alipore, shall make a sincere effort to dispose of the case expeditiously, without granting unnecessary adjournments to either party, preferably within a period of six months from the date of receipt of a copy of this order.
10. With these observations and order, **CO 3939 of 2024** is **disposed of**. The connected applications being **CAN 1 of 2025** and **CAN 2 of 2025** are also **disposed of**. There shall be no order as the costs.

(PARTHA SARATHI CHATTERJEE, J.)