



CRP.No.2948 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

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S.Arul

...Petitioner

Vs.

1. Royal Enfield Motorcycles Limited,
Rep. by its Authorised person,
The Companies registered office,
12, Commercial Complex, Greater Kailash II (Majid Misth),
New Delhi – 110 048.
2. The CEO,
Royal Enfield Motorcycles Limited,
3rd Floor, Select City Salkat,
A3, District Centre, Salkat,
New Delhi – 110 017.
3. Atul Sharma,
Company Secretary,
Eicher Motor Ltd.,
No.96, Section 32, Gurgaon – 122 001.
4. Royal Enfield Motorcycles Limited,
Rep. By its Authorised person,
No.624, New Thiruvottiyur Bus Terminal,
Thiruvottiyur High Road, Thiruvottiyur – 600 019.



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5. The Managing Director,
Chamundi Royal Enfield,
No.207, Four Roads, Salem – 636 007.

6. The General Manager,
Chamundi Royal Enfield,
No.207, Four Roads, Salem – 637 007.

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the docket order dated 22.01.2025 passed in F.A.Sr.No.2014 of 2024 in the State Consumer Dispute Redressal Commission at Chennai.

For Petitioner : Mr.S.T.Bharath Gowtham

For Respondents : Mr.R.Srihari,
for Mr.Arun C.Mohan, for R1 to R4
: Mr.P.Sivakumar, for R5 & R6

ORDER

This revision petition has been filed challenging the docket order dated 22.01.2025 passed in F.A.Sr.No.2014 of 2024 by the State Consumer Disputes Redressal Commission at Chennai, summarily rejecting the appeal filed by the revision petitioner at the unnumbered stage.



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WEB COPY 2. I have heard the learned counsel on either side and I have also perused the materials available on record.

3. The order impugned in the present revision is as follows:-

“No representation for appellant. This appeal is posted today for appearance of appellant and for proper compliance or for rejection (finally).

Today when the matter was called at first calling, the appellant was not present, hence, the matter was passed over and called again 2nd calling also, no representation for the appellant. Hence the matter was kept in pass over till evening 4.30 P.M, still there is no appearance or representation for the appellant. Hence the FASR is rejected.”

4. Learned counsel for the petitioner states that the appeal was preferred by the revision petitioner/complainant, aggrieved by the order of the District Consumer Disputes Redressal Commission, Salem, partly allowing his complaint. He would further contend that, admittedly, the respondents 1 to 4, as well as the dealers/respondents 5 and 6, have already challenged the same order of the District Consumer Disputes



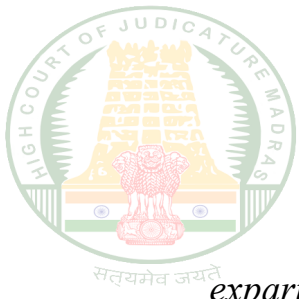
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Redressal Commission and the appeals are pending. However, as the factum of the order being passed was not brought to the notice of the revision petitioner, there was a delay in filing the appeal, beyond the statutory period of 45 days, before the State Consumer Disputes Redressal Commission. The appeal was therefore filed along with the application for condonation of delay. However, the appeal has been returned for certain compliances and the State Consumer Disputes Redressal Commission has granted time to the revision petitioner for complying with the returns and for re-presentation thereafter.

5. Since the said compliances were not made and the appeal papers being not represented and further there being no representation on the date on which the matter was called before the State Consumer Disputes Redressal Commission, the present impugned order rejecting the appeal in F.A.Sr.No.2014 of 2024 at SR stage itself came to be passed.

6. Learned counsel for the petitioner submits that there is no provision under the Consumer Protection Act, 2019 or even under the earlier Act of 1986, where there is a provision for challenging the



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exparte orders passed by the State Consumer Disputes Redressal Commission.

7. In this connection, the learned counsel for the petitioner relied upon the decision of the Hon'ble Supreme Court in the case of ***Jyotsana Arvindkumar Shah and Others Vs. Bombay Hospital Trust*** reported in ***(1999) 4 SCC 325*** and also the case of ***Rajeev Hitendra Pathak and Others Vs. Achyut Kashinath Karekar and Another*** reported in ***(2011) 9 SCC 541***, wherein the Hon'ble Supreme Court has laid down the ratio that both the District forums as well as the State Commissions do not have power to set aside the *exparte* orders or exercise the power of review.

8. Learned counsel also relied upon the decision of this Court in the case of ***E.K.Mani Vs. The District Consumer Disputes Redressal Forum, Madras and Another*** reported in ***1995-1-L.W. 755***, where, this Court, held the petition under Order IX Rule 13 of CPC to be maintainable and the same was revisable under Article 227 of Constitution of India.



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9. Learned counsel also relied upon the later decision of the Hon'ble Apex Court in the case of ***Ibrat Faizan Vs. Omaxe Buildhome Private Limited*** reported in ***(2023) 11 SCC 594***, wherein the Hon'ble Apex Court has refused to entertain the appeal by special leave under Article 136 of Constitution of India on the ground that, remedy was available under Article 227 of the Constitution of India, before the High Court concerned and it would be fair and proper to enable the aggrieved parties to avail the said remedy, without being forced to approach the Hon'ble Apex Court. He would therefore state that the remedy available to the revision petitioner is only under Article 227 of Constitution of India and thereby, the present revision petition is maintainable and the learned counsel would therefore seek for the order of the State Consumer Disputes Redressal Commission being set aside.

10. Per contra, the learned counsel appearing on behalf of the respondents 1 to 4 would submit that, there is an effective alternate remedy provided even under the statute. He would refer to Section 51(5) of the Consumer Protection Act, 2019, which is read as follows:-



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“51. Appeal to National Commission-

(5) An appeal may lie to the National Commission under this Section from an order passed ex parte by the State Commission.”

11. Learned counsel also relied on Section 58(1)(3) of the Consumer Protection Act, which reads as follows:-

“58. Jurisdiction of National Commission.—*(1) Subject to the other provisions of this Act, the National Commission shall have jurisdiction—*

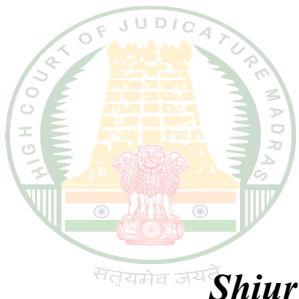
(a) to entertain—

.....

(iii) appeals against the orders of any State Commission;”

12. Learned counsel for the respondents 1 to 4 would therefore state that the only remedy available to the revision petitioner was to knock at the doors of the National Commission and not to file a revision before this Court under Article 227 of Constitution of India.

13. Learned counsel appearing on behalf of the respondents 5 and 6/dealers submits that the Hon'ble Apex Court has recently, in the case of



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Shiur Sakhar Karkhana Private Limited Vs. State Bank of India

reported in (2020) 19 SCC 592, referring to the provisions of the earlier Consumer Protection Act, 1986, wherein, identical provisions similar to Section 51 and 58 were available in Sections 19 and 21 and referring to the said Sections 19 and 21, the Hon'ble Apex Court held that the word “orders” used in the provisions would mean and include any orders of the State Commission. Learned counsel, therefore states that the remedy available to the revision petitioner is only to file an appeal to the National Commission and therefore, when an alternate remedy is available even under the statute, the petitioner cannot invoke the extraordinary jurisdiction available to this Court under Article 227 of Constitution of India. Accordingly, he prayed for dismissal of the present revision.

14. Admittedly, it is a case where the revision petitioner, as appellant, did not appear before the State Consumer Disputes Redressal Commission on the particular day ie., 22.01.2025 and the appeal filed by the petitioner, even at the unnumbered stage, came to be rejected. It is certainly an *exparte* order that is passed in the matter.



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15. No doubt, the learned counsel for the petitioner may be right in contending that there is no power available to the State Consumer Disputes Redressal Commission to set aside the orders passed by it, including an *ex parte* order. However, that does not straight away clothe the petitioner with the right to approach this Court under Article 227 of the Constitution of India.

16. As rightly contended by the learned counsel for the respective respondents, there is a specific avenue open to the petitioner to challenge the said *ex parte* order passed by the State Consumer Dispute Redressal Commission.

17. Section 51(5) enables the petitioner to file an appeal before the National Commission against the order passed by the State Commissions. The word “*orders*” used in Section 51(5) has been clarified by the Hon'ble Supreme Court, no doubt, with respect to the same word occurring in the Consumer Protection Act, 1986.



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WEB COPY 18. However, the said ratio laid down by the Hon'ble Apex Court clarified that the word “*order*” would mean any order passed by the State Commissions. Therefore, the present *exparte* order rejecting the appeal at the unnumbered stage would certainly fall within the ambit of any order passed by the State Commission, thereby, making it appealable before the National Commission.

19. The jurisdiction of the National Commission is also amplified in Section 58(1)(3) of the Consumer Protection Act, 2019, where the statute provides for appeal against the orders of the State Commissions. Here also, the word *orders* would naturally mean and include any orders of the State Commissions and it has to be read this way only.

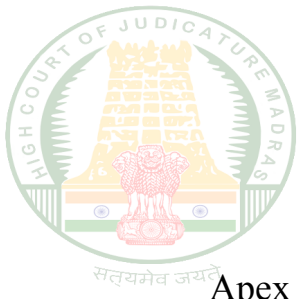
20. No doubt, the petitioner cannot approach the State Consumer Dispute Redressal Commission for setting aside the *exparte* order, but he has an effective alternate remedy in terms of Section 51(5) of the Consumer Protection Act, 2019.



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WEB COPY 21. The decision of the Hon'ble Apex Court which has been relied on by the learned counsel for the petitioner in the case of ***Universal Sompo General Insurance Company Ltd., Vs. Suresh Chand Jain and Another***, reported in ***(2024) 9 SCC 148***, was a case where the Insurance company had directly approached the Hon'ble Apex Court, without resorting to the available remedy under Article 226 or 227 of the Constitution of India. Under such circumstances, the Hon'ble Apex Court held that the proper remedy was to approach the jurisdictional High Court first and not straight away approach the Hon'ble Apex Court by way of special leave. Therefore, I do not see this decision coming to the rescue of the petitioner.

22. Insofar as the decision of this Court in *E.K.Mani's case (supra)* is concerned, it is no doubt, this Court has held that the District Consumer Forums and the State Consumer Disputes Redressal Commissions have got powers to entertain the application to set aside the *exparte* order and decide on merits. However, the said decision cannot be said to be good law, in view of the subsequent decisions of the Hon'ble



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Apex Court which have been relied on by the learned counsel for the petitioner himself.

23. Reliance has also been placed on the decision of this Court in the case of ***Gorantla Geosynthetics Private Limited and Another Vs. Akshaya Signature Homes Private Ltd.***, in CRP.(PD).No.4848 of 2024 dated 16.04.2025, by the learned counsel for the petitioner. In the said case, this Court has entertained the revision under Article 227 of the Constitution of India against the order of the District Consumer Disputes Redressal Commission.

24. The issue that was subject matter of the said revision was the pecuniary jurisdiction of the Consumer Commissions and there was a refusal by the Registry to even number the Consumer complaint. Under such circumstances, this Court held that the power of this Court under Article 227 of Constitution of India cannot be taken away and certain directions were issued. Thereby, I do not find the said decision also coming to the aid of the learned counsel for the revision petitioner.



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25. In view of the aforesaid discussion and also in view of the decision of the Hon'ble Supreme Court in the *Shiur Sakhar's* case (*supra*), clarifying that “any order” of the State Consumer Disputes Redressal Commission is appealable to the National Commission, I am unable to hold that the present revision to be maintainable.

26. However, it is open to the revision petitioner to approach the National Commission and seek for condonation of delay in filing the appeal, taking advantage of the Section 14 of the Limitation Act, in view of the petitioner canvassing his rights before this Court by way of revision under Article 227 of Constitution of India.

27. For the reasons aforesaid, this Civil Revision Petition stands dismissed with the above liberty. No costs.

21.08.2025

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Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No



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P.B. BALAJI, J.

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To

The State Consumer Dispute Redressal Commission,
Chennai.

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