

C.O. 2102 of 2023

24.06.2026

Sl no. 15

Ct no. 2

P.M.

Ravindra Kumar Gupta

- Vs -

Amit Kumar Das & Ors.

Mr. Debdatta Saha,

Mr. Diprav Deb

... for the petitioner.

Mr. Amitava Mukherjee, Sr. Adv

Ms. Munmun Dubey,

Ms. Arpita Saha,

Ms. Ankita Ghosh,

Ms. Antara Das

... for the opposite party.

1. Affidavit of service filed by the petitioner is taken on record.
2. Present petition has been filed challenging the order dated 8th May, 2023 passed by the West Bengal State Consumer Disputes Redressal Commission, Kolkata.
3. Learned senior counsel for the opposite party has raised an objection as to the maintainability of the petition.
4. However, at the outset learned counsel submits that without going into the merits of the case he would press the petition only to the extent that the matter may be remanded back with liberty to the petitioner to file fresh application for amendment on the same cause of action.

5. Thus, without going into the merits of the case and issue as to the maintainability and so as to see that the substantive justice is imparted without incurring the heavy cost. The order dated 8th May, 2023 is set aside in exercise of the supervisory jurisdiction. The petitioner is granted liberty to file a fresh application for amendment on the same cause of action without any change of nature and character from the earlier one.
6. Learned State Consumer Disputes Redressal Commission shall consider and decide the same afresh in accordance with law without being influenced by its impugned order dated 8th May, 2023.
7. The present order shall not be taken as precedent as to the maintainability of the petition against the order of the State Consumer Disputes Redressal Commission. This order has been passed merely on its peculiar facts and circumstances of the case.
8. This petition stands disposed of.
9. Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all usual requisite formalities..

(Dinesh Kumar Sharma, J.)