

06.05.2026
Ct. no. 6
D/L.286
Samarpita

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION
(Appellate Side)

C.O. 2828 of 2025

With

CAN 1 of 2025

Rajendra Kumar Verma & Anr.

Vs.

Smt. Dolly Rani Bag (Since Deceased)
represented by her legal heirs Papia
Sengupta & Ors.

Mr. Syamal Kr. Das,

Ms. Krishna Yadav

... for the Petitioner

Mr. Pratip Mukherjee,

Mr. Purnankar Biswas

... for the Opposite Party No(s) 1(a) & (b)

1. This revisional application is directed against an order dated August 2, 2024, passed by the State Consumer Dispute Redressal Commission, West Bengal, (hereafter "State Commission") in First Appeal No. A/905/2015, thereby dismissing the said appeal.
2. The opposite party no(s) 1, 1a and 1b had filed a consumer complaint being CC/360/2013 before the District Consumer Dispute Commission, Howrah against the petitioners. Such complaint was allowed. Feeling aggrieved thereby, the petitioners preferred an appeal being First Appeal No. A/905/2015, before the State Commission. Such appeal has been dismissed by the order impugned.

3. The learned advocate appearing for the petitioners submits that the order impugned cannot be sustained inasmuch as the same has been passed by a single member of the Commission and that the order is wholly unreasoned.
4. Learned advocate appearing for the petitioner relies on a judgement of a Coordinate Bench of this Court in ***Cannon Properties Private Limited -Vs.- National Consumer Disputes Redressal Commission & Ors. (WPA 7291 of 2025)*** decided on **May 13, 2025** to contend that in a similar situation a Coordinate Bench of this Court has set aside the order passed by the National Consumer Disputes Redressal Commission (hereafter "National Commission") while relying on an order dated August 28, 2024 passed by the Hon'ble Supreme Court in the case of ***Tiki Tar Industries (Baroda) Limited vs. National Insurance Company Limited*** (Civil Appeal No. 3953 of 2018).
5. Learned advocate appearing for the opposite parties fairly submits that an order passed by a single member of the Commission is hit by the doctrine of *coram non-judice* and as such the order impugned cannot be sustained.
6. Heard the learned advocates appearing for the respective parties and considered the material on record. Since the order impugned has been passed

by a single member Bench of the State Commission and the same is wholly unreasoned, therefore, the same cannot stand scrutiny of the Court.

7. In ***Tiki Tar Industries (Baroda) Limited*** (supra) which has been relied on in ***Cannon Properties Private Limited*** (supra), the Hon'ble Supreme Court found the quorum of the National Commission to be incomplete. The Bench structure of the National Commission as specified in Section 58(2) of the Consumer Protection Act, 2019 is identical to that of the State Commission as specified in Section 47(2) of the 2019 Act, therefore, the ratio of the said judgement clearly applies. Furthermore, this Court finds that the order impugned is wholly unreasoned. To wit, the order impugned holds as follows:-

"Considering the materials on record that the forum below passed the impugned order.

It appears from the order dt. 16.06.2020 that the Hon'ble NCDRC disposed of the revision petition no. 505/2016 with specific observation in paragraph no. 11 to the effect merit by the State Commission and the bench does not in any manner want to colour in "The bench has consciously refrained from entering into the consumer dispute, or making any critique of the facts and specificities of the case, or recording any observations or comments etc., since the first appeals have as yet to be adjudicated on vision of the State Commission."

Considering the facts and circumstances of the case and in view of position of law I do not find any reason to interfere with the impugned judgment.”

8. It is evident from the above that the order impugned has not assigned any reason whatsoever for dismissing the petitioners' appeal. The same deserves interference and it is accordingly set aside.
9. The appeal is restored to the file of the State Commission for fresh consideration, in accordance with law upon hearing both the parties. It is needless to mention that this Court has not gone into the merits of the matter and all points are left open to be decided by the State Commission in accordance with law.
10. With the above observation **CO 2828 of 2025** stands disposed of. **CAN 1 of 2025**, which is an application for passing of appropriate orders, also stands disposed of in terms of the aforesaid observations. No costs.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Om Narayan Rai, J.)