

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1663 OF 2026

Simran Emu Farm Thr.
Proprietor Shekhar Vichare
Versus

...Petitioner

Sahyadri Emu Farm Thr. Its
Prop. Prakash S. Sawant

...Respondent

Mr. Amit Sale a/w. Mr. Sayali Mane i/b. Mr. Shreyas Karajgar, Advocate
for petitioner.

Mr. Avinash Naik, AGP for respondent-State.

Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.

Date : April 20, 2026.

P. C. :

1. By the present Writ Petition filed under Article 226 of the Constitution of India, the Petitioner challenges the legality and validity of the order dated 6th March 2026 passed by the learned Presiding Member, National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No. 1471 of 2025. The said order reads thus:

*“Learned Counsel for the Petitioner and the proprietor of the Respondent are present.
Respondent has already filed reply.
Both the parties are directed to file written synopsis within a*

period of six weeks.

Heard learned Counsel for the Petitioner on stay application being IA No. 14342 of 2025. Impugned order is stayed subject to deposit of entire decretal amount after deducting the amount already deposited, if any, before the concerned District Forum within a period of six weeks, failing which the stay order shall stand vacated ipso facto.

Let the matter be listed for final hearing on 23.10.2026.”

2. The principal submission of the learned counsel for the Petitioner is that no speaking order has been passed. In support thereof, reliance is placed on the judgment of the Hon’ble Supreme Court in *Manohar Infrastructure & Constructions (P) Ltd. v. Sanjeev Kumar Sharma*, reported in (2022) 8 SCC 474. Paragraph 17 of the said judgment reads thus:

“17. The sum and substance of the above discussion and our conclusions would be that:

17.1. Predeposit of 50% of amount as ordered by the State Commission under the second proviso to Section 51 of the Consumer Protection Act, 2019 is mandatory for entertainment of an appeal by the National Commission.

17.2. The object of the said predeposit condition is to avoid frivolous appeals.

17.3. The said predeposit condition has no nexus with the grant of stay by the National Commission.

17.4. While considering the stay application in staying the order passed by the State Commission, the National Commission can grant a conditional stay directing the appellant(s) to deposit the entire amount and/or any amount higher than 50% of the amount in terms of the order of the State Commission.

17.5. However, at the same time, the National Commission has to assign some cogent reasons and/or pass a speaking order when the conditional stay of the order passed by the State Commission is passed subject to deposit of the entire amount and/or any amount higher than 50% of the amount either as an ex parte order or after hearing both sides and considering the facts and circumstances of the case.

17.6. Thus, the National Commission can grant a conditional

stay of the order passed by the State Commission on deposit of the entire amount and/or any amount higher than 50% of the amount as ordered by the State Commission in the aforesaid manner.”

3. The Supreme Court held that the National Commission can grant a conditional stay directing the appellant(s) to deposit the entire amount and/or any amount higher than 50% of the amount in terms of the order of the State Commission.

4. However, at the same time, the National Commission has to assign some cogent reasons and/or pass a speaking order when the conditional stay of the order passed by the State Commission is passed subject to deposit of the entire amount and/or any amount higher than 50% of the amount either as an *ex parte* order or after hearing both sides and considering the facts and circumstances of the case.

5. Prima facie, the contention of the learned counsel for the Petitioner appears to be well-founded, as no reasons whatsoever have been assigned in the impugned order. Accordingly, the impugned order dated 6th March 2026 passed by the learned Presiding Member, National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.1471 of 2025 is stayed, subject to the condition that the Petitioner shall deposit 50% of the decretal amount before the concerned District Forum on or before 30th April 2026.

6. The parties are put to notice that subject to the convenience of the

Court, the Writ Petition shall be heard finally at the stage of admission.

7. Stand over to 5th May 2026 at 2.30 p.m.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]