

(1992) 12 NCDRC CK 0052

In the National Consumer Disputes Redressal Commission

ARUN KUMAR PRADHAN

APPELLANT

Vs

SECRETARY BOARD OF SECONDARY EDUCATION, ORISSA

RESPONDENT

Date of Decision : 18-12-1992

Acts Referred:

Citation : 1992 3 CPJ 610

Hon'ble Judges : S.C.Mohapatra , J.Patnaik J.

Final Decision : Appeal allowed

Judgement

1. COMPLAINANT is appellant against the order passed by the District Forum not entertaining the complaint.

2. COMPLAINT filed the complaint alleging deficiency in service in not granting the certificate for which he had paid. On perusal of the complaint, the District Forum held as follows : "Consumer complainant A.K. Pradhan files complaint against Secretary, Board of Secondary Education, Orissa, OTC & another for taking action. Perused the petition. The petition does not come under the purview of Consumer Protection Act. Hence the petition is rejected."

Copy of the order was not supplied to the complainant as required under Rule 4(10) of the Consumer Protection Rules. Instead, a letter was issued intimating the complainant that complaint has been rejected. This is in contravention of the provisions of the Statute.

Before a complaint is rejected, the complainant should be called upon to explain to the Forum how the same is entertainable if there is doubt that the same cannot be entertained. Without giving an opportunity to the complainant to have his say in the matter of maintainability of the complaint, rejection of the same as not entertainable, is not correct. A copy of the complaint is served on Mr. C.A. Rao, learned Counsel for the opposite parties - respondents. Opposite Parties shall state their case to the redressal agency on or before 31st of January, 1993. Both parties shall appear before the President of the District Forum on 7th February, 1993 on which day the President shall hear the parties both on the

question of maintainability as well as on merits.

3. IN result, the appeal is allowed. Impugned order is set aside for fresh consideration of the complaint. Appeal allowed.