
(2011) 05 AHC CK 0076
In the Allahabad High Court
Case No : C.M.W.P. No. 26949 of 2011

Gyaneshwar Prasad Srivastava

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 24-05-2011

Acts Referred:

Consumer Protection Act, 1986 — Section 25(3)

Citation : (2011) 5 AWC 4739 : (2011) 8 RCR(Civil) 198

Hon'ble Judges : Satya Poot Mehrotra, J; Rajesh Chandra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Satya Poot Mehrotra and Rajesh Chandra, JJ.—It appears that a complaint was made by the respondent No. 5 before the District Consumer Forum, Lucknow against M/s. Hari Om Masala and others including the petitioner. The District Consumer Forum, Lucknow gave its decision dated 21.4.2010 (Annexure-1 to the writ petition), whereby the opposite parties in the complaint case before the District Consumer Forum (which included the petitioner herein also) were directed to pay certain amount with interest to the complainant, i.e. the respondent No. 5 herein. The petitioner and others filed an appeal before the State Consumer Dispute Redressal Commission, Uttar Pradesh, Lucknow against the said decision dated 21.4.2010 given by the District Consumer Forum, Lucknow. A stay application was also filed alongwith the appeal. It appears that the stay application filed by the petitioner and others in the said appeal was rejected.

Thereafter, the proceedings have been Initiated for the recovery of the amount awarded in the decision of the District Consumer Forum, Lucknow dated 21.4.2010. The citation dated 25.2.2011 (Annexure-4 to the writ petition) has been issued in this regard. Thereupon, the petitioner has filed the present writ petition, inter alia, praying for quashing the said Citation dated 25.2.2011.

2. We have heard Sri K. K. Tripathi, learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents No. 1 to 4.

3. As noted above, the stay application on behalf of the petitioner and others filed in the appeal against the decision of the District Consumer Forum dated 21.4.2010 was rejected by the State Consumer Dispute Redressal Commission, Uttar Pradesh, Lucknow. In the circumstances, it was open to the respondent No. 5 to initiate the proceedings for recovery of the amount as awarded in the said decision dated 21.4.2010.

4. Sub-section (3) of Section 25 of the Consumer Protection Act, 1986, provides that where any amount is due from any person under an order made by a District Forum, State Commission or the National Commission, as the case may be, the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission, as the case may be and such District Forum or the State Commission or the National Commission may issue a certificate for the said amount to the Collector of the District and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue.

5. It is, thus, evident that the amount awarded in the decision dated 21.4.2010 by the District Consumer Forum may be recovered as arrears of land revenue. Thus, there is no illegality in the Citation dated 25.2.2011 (Annexure-4 to the writ petition) and there is no reason to interfere with the same in the present writ petition.

6. The writ petition lacks merit and the same is liable to be dismissed.

The writ petition is, accordingly, dismissed.