

(1994) 12 AP CK 0029

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 21397 and 21398 of 1994

K. Kasi Annapurna and Others

APPELLANT

Vs

Andhra Pradesh State Consumer Disputes Redressal
Commission, Hyderabad and Others

RESPONDENT

Date of Decision : 13-12-1994

Acts Referred:

Constitution of India, 1950 — Article 226
Consumer Protection Act, 1986 — Section 21, 27

Citation : (1994) 12 AP CK 0029

Hon'ble Judges : B.K. Somasekhara, J;A. Lakshmana Rao, J

Bench : Division Bench

Advocate : V. Jogayya Sarma, for the Appellant;

Judgement

A. Lakshmana Rao, J.—In these writ petitions, the validity of the orders dated December 3, 1994 passed by the Andhra Pradesh State Consumer Disputes Redressal Commission (hereinafter referred to as "State Commission") in the petitions filed by the respondents herein u/s 27 of the Consumer Protection Act, 1986 (for short the Act) punishing each of the petitioners herein with imprisonment for one month and with fine of Rs. 2,000 is questioned.

2. The respondents herein filed complaints against the petitioners herein and M/s. Vijaya Credit Corporation under the provisions of the Act before the State Commission. They were taken on file as C.D. Nos. 51 and 84 of 1993 and were disposed of on June 7, 1994 with the following directions :

"In the result, the opposite parties in C.D. 51/1993 are jointly and severally directed to pay the amount of Rs. 41,140 with interest at 18% p.a. from 18.3.1993 with costs of Rs. 500. The rest of the claim is negated.

The first complainant in C.D. 84/1993 is entitled for payment of an amount of Rs. 1,09,265 with interest at 18% from 10.3.1993 till the date of payment and costs of Rs. 500 jointly and severally from the opposite parties. The rest of the claim is

dismissed. Similarly, second complainant is entitled to a sum of Rs. 30,731 with interest at 18% from 10.3.1993 till the date of payment and costs of Rs. 500 jointly and severally from the opposite parties. The rest of the claim is dismissed. Third complainant is entitled to a sum of Rs. 20,836 with interest at 18% from 10.3.1993 till the date of payment and costs of Rs. 500 jointly and severally from the opposite parties. The rest of the claim is dismissed. Fourth complainant is entitled for payment of Rs. 31,949 with interest at 18% from 10.3.1993 till the date of payment and costs of Rs. 500, jointly and severally from the opposite parties. The rest of the claim is dismissed. Fifth complainant is entitled to a sum of Rs. 13,891 with interest at 18% from 10.3.1993 till the date of payment and costs of Rs. 500 from the opposite parties jointly and severally. The rest of the claim is dismissed. Sixth complainant is entitled to a sum of Rs. 20,549 with interest at 18% from 10.3.1993 till the date of payment and costs of Rs. 500 from the opposite parties jointly and severally. The rest of the claim is dismissed. Seventh complainant is entitled to payment of Rs. 34,249 with interest at 18% from 10.3.1993 till the date of payment and cost of Rs. 500 jointly and severally from the opposite parties. The rest of the claim is dismissed. In the result, the complainants are entitled to the extent mentioned above."

3. As the petitioners herein who are the opposite parties in the abovementioned consumer disputes failed to comply with those orders, the complainants (respondents herein) filed petitions before the State Commission u/s 27 of the Consumer Protection Act, 1986, praying that the opposite parties shall be punished. On those petitions (C.D.I.A. Nos. 5 and 6 of 1994) the State Commission passed the impugned orders dated December 3, 1994, punished each of the petitioners herein with imprisonment for a term of one month and with fine of Rs. 2,000, as mentioned in the affidavits filed in support of the writ petitions. Copies of the impugned orders have not been produced by them stating that the certified copies of the orders have not yet been furnished to them.

4. It is submitted by the learned Counsel for the petitioners that the petitioners herein had preferred appeals before the National Consumer Disputes Redressal Commission against the common order dated June 7, 1994 passed by the State Commission in C.D. Nos. 51 and 84 of 1993, and they were taken on file as consumer appeal Nos. 594 and 595 of 1994 respectively. It is further stated that the stay petitions filed therein have not yet been taken up by the National Commission inspite of a request made in that regard. While the appeals and the stay petitions are thus pending on the file of the National Commission, the respondents herein had filed the petitions u/s 27 of the Act, which were disposed of on December 3, 1994.

5. The Consumer Protection Act is a special enactment for the settlement of consumer disputes through a hierarchy of tribunals established at the District, State and National level. u/s 19 of the Act, an aggrieved party can prefer an appeal to the National Commission against an order passed by the State

Commission in a consumer dispute u/s 17(a)(i). Apart from that, the National Commission is vested with revisional jurisdiction u/s 21(b) of the Act, to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by a State Commission. In the present case, as a matter of fact, the petitioners herein, who are the opposite parties in the consumer disputes, preferred appeals to the National Commission against the order passed by the State Commission in the consumer disputes and the same are pending on the file of the National Commission. In such circumstances, it would not be proper for this Court to entertain the writ petitions in the exercise of jurisdiction under Article 226 of the Constitution of India. In view of an effective alternative remedy provided under the provisions of the Act, we are not inclined to admit these writ petitions. In such circumstances, it is not necessary to refer to the various contentions advanced by the learned counsel for the petitioners on the merits of the case and the decisions cited in that regard.

6. Therefore, the writ petitions are dismissed.

7. Immediately after the judgment has been delivered, the learned counsel for the petitioners has moved an oral application for leave to appeal to the Supreme Court. In our view, these cases do not involve any substantial question of law of general importance that is to be decided by the Supreme Court. Therefore, leave refused. We are not inclined to stay the operation of the order passed by the State Consumer Disputes Redressal Commission u/s 27 of the Consumer Protection Act, 1986.