

(1992) 03 NCDRC CK 0041

In the National Consumer Disputes Redressal Commission

MODERN RICE MILL MACHINERY COMPANY

APPELLANT

Vs

SUSHIL KUMAR MONDAL

RESPONDENT

Date of Decision : 18-03-1992

Acts Referred:

Citation : 1992 3 CPJ 12 : 1994 1 CLT 179

Hon'ble Judges : V.Balakrishna Eradi , Y.Krishan , B.S.Yadav J.

Final Decision : Revision petition allowed

Judgement

1. UNFORTUNATELY, the disposal of the case by the District Forum as well as by the State Commission in appeal are manifestly vitiated by the fact that the Order of the District Forum was passed only by one Member sitting singly and the State Commission also disposed of the appeal with only the President of the State Commission hearing the appeal and delivering the Judgment. Under the provisions of Section 14 of the Consumer Protection Act, as it stands after the recent amendment of 1991, the mandatory requirement is that the disposal of a complaint by the District Forum shall be by Bench consisting of the President and at least one other Member. Likewise, in the case of the State Commission also, there is a similar requirement imposed by the statute that any proceeding before them can be validly disposed of only by the President sitting along with at least one Member of the Commission. Inasmuch as there is a clear breach of the aforesaid mandatory statutory requirement by both the Forums in the instant case, the Orders passed by the State Commission and the District Forum have both to be set aside. We accordingly allow the Revision Petition and set aside both these Orders and remand the case to the District Forum for fresh disposal in accordance with law. No costs. Revision petition allowed.