
(2022) 10 OHC CK 0099
In the Orissa High Court
Case No : Writ Petition (C) No.20580 Of 2022

Om Prakash Ray

APPELLANT

Vs

Dist. Consumer Disputes Redressal Commission, Sambalpur
And Another

RESPONDENT

Date of Decision : 19-10-2022

Acts Referred:

Citation : (2022) 10 OHC CK 0099

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Mahendra Pratap Singh

Final Decision : Disposed Of

Judgement

Arindam Sinha, J

1. Dr. Singh, learned advocate appears on behalf of petitioner. He had moved the petition on 14th September, 2022. Order made that date is reproduced below.

"1. Mr. Singh, learned advocate appears on behalf of petitioner. He files supplementary affidavit disclosing judgment dated 22nd August, 2022. He submits, the writ petition was filed in anticipation of the judgment reserved. On it being delivered it be treated as impugned in the writ petition.

2. It appears the District Consumer Disputes Redressal Commission passed impugned judgment against opposite parties in the Commission, connected to Sahara Universal Multipurpose Society Limited. The society was opposite party no.5 while petitioner, described as 'Head Sahara Office', was opposite party no.1.

3. Issue notice along with this order on the petition and supplementary affidavit, upon opposite party no.2 by registered/speed post with AD. Petitioner will put in requisites.

4. List on 12th October, 2022. The I.A. will be considered on adjourned date."

2. He submits, service has been duly made on opposite party no.2. Said opposite party goes unrepresented.

3. Dr. Singh refers to subsequently passed judgment dated 22nd August, 2022 by District Consumer Disputes Redressal Commission directing, inter alia, his client to pay maturity value Rs.4,40,000/- as on 11th September, 2011 to opposite party no.2 and 12% interest thereon till repayment. Further directions were also made.

4. He submits, the Commission lacks jurisdiction to entertain the complaint. It is a matter relating to cooperative societies and does not come under Consumer Protection Act, 2019.

5. It appears from the judgment this contention of petitioner was dealt with under issue no.1. As such, there has been an adjudication. It cannot be said that in the process petitioner was not heard. In the circumstances, remedy of appeal is provided to petitioner, under the statute.

6. There will be stay of operation of judgment dated 22nd August, 2022 in Consumer Case no.30 of 2022 till 11th November, 2022, within which time petitioner may approach the appellate forum. This order will stand automatically vacated thereafter.

7. The writ petition is disposed of..

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