

(2024) 11 NCDRC CK 0019

National Consumer Disputes Redressal Commission

Case No: Revision Petition No. 91 Of 2019

Pavitra Shekhar Bose

APPELLANT

Vs

T.C.A. Ranaganathan (Director Of
Indian Overseas Bank)

RESPONDENT

Date of Decision: Nov. 8, 2024

Hon'ble Judges: Binoy Kumar, Presiding Member; Saroj Yadav, Member

Bench: Division Bench

Advocate: Sweety Sood

Final Decision: Disposed Of

Judgement

The Petitioner/ Complainant appearing in person submitted that he has filed this Revision Petition against the Order of West Bengal State Consumer Disputes Redressal Commission dated 16.11.2018, which dismissed his Appeal holding that the District Consumer Disputes Redressal Forum, Kolkata by its Order dated 15.02.2018 had rightly dismissed his Complaint on grounds of pecuniary jurisdiction.

He submitted that he has not been heard by either the State Commission or the District Forum. His Complaint was filed in the year 2017 before the District Forum.

Even if the District Forum held that it did not have the pecuniary jurisdiction, the State Commission should have heard the Petitioner/ Complainant rather than dismissing the Appeal on the ground that the District Forum was right in dismissing his Complaint.

It is a fact that the Petitioner/ Complainant has not been heard at all by any of the two Commissions. Since the Complaint was filed under Consumer Protection Act, 1986 the District Forum did not have the jurisdiction to hear the Complaint as the amount exceeded by Rs.20,00,000/-. However, in our considered opinion the State Commission should have heard the matter and passed its Order on merits.

Accordingly, in view of the submission made by the Petitioner in person and on perusal of the Record, we are of considered opinion that a fresh Complaint be filed by the Petitioner/ Complainant before the State Commission which has the jurisdiction and which shall hear the same expeditiously and pass the Order on merits, without taking cognizance of limitation in filing of the Complaint as the matter has already been under litigation since 2017 and provided the Complaint is filed within 30 days of this Order.

The Revision Petition is accordingly disposed of.