

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No: W.P.Nos.7158 of 2023 & 7194 of 2023

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
	21.07.2026	<u>RNT,J & PKC,J</u> Heard Sri Avinash Desai, learned senior counsel assisted by Sri Tarun G. Reddy, learned counsel for the petitioners and Sri S. Srinivas Reddy, learned senior counsel assisted by Sri Srinivas Basava, learned counsel for respondent No.5. 2. Learned senior counsel for respondent No.5 raises an objection to the maintainability of writ petition on the ground that there is a statutory remedy of appeal before the State Commission on the order passed by the District Commission. 3. Learned senior counsel further submits that in fact the appeal was filed before the State Commission but the petitioners did not comply with the statutory provision of deposit of the statutory amount and consequently, the appeal was dismissed on 18.05.2023 by the State Commission. However, the said fact was not disclosed in the writ petition and there was suppression of material facts. 4. Learned senior counsel further submits	

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		that under the interim order passed by this Court on 25.04.2023 in the writ petition directing the petitioners to deposit 50% of the awarded amount to the credit of Consumer Complaint No.40 of 2022 within a period of four weeks from that day, the petitioners have deposited that amount and in view thereof, that deposit may be considered 'as statutory deposit in the appeal' and the State Commission may be directed to decide the appeal though dismissed on that ground, by issuing appropriate directions. 5. Learned senior counsel for the petitioners referring to page – 12 of rejoinder affidavit in I.A.No.4 of 2026 submits that though the appeal was filed before the State Commission but the same was returned with the objections as raised by the State Commission Registry. The entire report of the State Commission is being reproduced as under: “Returned for compliance of following objections: 1. Statutory amount for filing the appeal under Sec.41 of C.P. Act, 2019 be deposited. 2. Original certified copy of the order obtained from the District Commission with sufficient sets be filed. 3. Copies of complaint and written version filed before the District Commission be filed (3+1).	

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		4. Correct description of the parties as arrayed in the order of the District Commission be mentioned in the grounds of appeal/stay petition. 5. Grounds of appeal not signed by the counsel. 6. Index the material papers with pagination.” 6. Learned senior counsel for the respondents submits that the order dated 25.04.2023 by the co-ordinate Bench was passed at a time when, it was not brought to the notice of this Court about the appeal proceedings before the State Commission. 7. Learned senior counsel for the petitioners further submits that there was no suppression of material fact. The filing of the appeal before the State Commission which was dismissed for non compliance with the statutory provision, is not a material fact to be disclosed in the writ petition and so, there was no suppression of the material fact, placing reliance in <i>S.J.S.Business Enterprises (P) Ltd. v. State of Bihar</i> {(2004) 7 SCC 166}. He further submits that even if there be an alternative remedy, there are well recognized exceptions in which writ petition may be entertained. In his submission the order of the District Commission was passed without jurisdiction as the applicant could not be covered under	

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		'consumer' as also not having pecuniary jurisdiction. 8. The aforesaid submissions have been refuted by the learned senior counsel for the respondents submitting that the District Commission had the jurisdiction and there was no lack of pecuniary jurisdiction as well. 9. At this stage learned senior counsel for the petitioners submits that the submissions require to be elaborated and makes for some other date. 10. Post on 11.08.2026. 11. All the submissions from either side are open to be raised on the next date of listing regarding the maintainability and entertainability of the writ petition. RNT,J PKC,J AG	