



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5773 of 2025

Santosh Kumar Gupta

.... **Petitioners**
Mr. K.C. Dash, Advocate

-Versus-

District Consumer Dispute Redressal
Commission, Nuapada and another

.... **Opposite Parties**
Mr. U.R. Jena, AGA

CORAM:
MR. JUSTICE R. K. PATTANAIK

ORDER
24.03.2025

Order No.

01. 1. Heard Mr. Dash, learned counsel for the petitioner.
2. Instant writ petition is filed by the petitioner challenging the impugned order dated 29th November, 2024 passed in connection with CC No.13 of 2023 by learned District Consumer Disputes Redressal Commission, Nuapada on the grounds stated therein.
3. In course of hearing, it is submitted that no notice was served on the petitioner and the proceeding was disposed of on 29th November, 2024. Mr. Dash, learned counsel for the petitioner, referring to an order of the Madras High Court dated 18th March, 2011 in W.P. No.14772 of 2004 in **S. Sarojini Ammal Vrs. The President of Madurai District Consumer Disputes Redressal Forum, Mudurai and others** would submit that the petitioner since was not served with any notice should be provided an opportunity to make an application seeking recall of such order leading to the disposal of the proceeding before the learned Commission. A copy of the order in **S. Sarojini Ammal** (supra) is produced in Court and the same is perused. Considering the plea of the petitioner and submission of Mr. Dash, learned counsel appearing for him with reference to the



aforesaid decision, the Court is of the view that the petitioner though having an alternate remedy by way of an appeal should be provided an opportunity to make an application before the learned Commission seeking restoration of the proceeding in CC No.13 of 2023 and for orders on merit.

4. Accordingly, it is ordered.

5. In the result, the writ petition stands disposed of with the liberty granted to the petitioner to submit an application for restoration of the proceeding in CC No.13 of 2023 and in the event, the same is received within ten days from today, it shall be entertained by learned District Consumer Disputes Redressal Commission, Nuapada and thereafter and disposed of as per and in accordance with law. It is made clear that the Court has not expressed any opinion on merits vis-à-vis claim of the petitioner. The Court further directs that till such time, the application is received followed by an order, which shall be within next two weeks, the impugned order under Annexure-1 and execution of the same shall be deferred.

6. Urgent copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge

Rojina

Signature Not Verified

Digitally Signed
Signed by: ROJINA SAHOO
Designation: Junior Stenographer
Reason: Authentication
Location: OHC, CTC
Date: 25-Mar-2025 11:02:43

