

27.02.2026  
SL No.58  
Court No.6  
(gc)

**CO 702 of 2026**

**Dr. Tridib Banerjee  
Vs.  
Arnab Chakraborty & Ors.**

Mr. Jaydip Kar, Sr. Adv.,  
Mr. Suddhasatva Banerjee,  
Ms. Sonali Mukhopadhyay,  
Ms. Jyoti Rauth,  
Ms. Sonal Agarwal,  
Ms. Arunika Dutta

.....for the Petitioner.

1. The petitioner is aggrieved by the admission of the complaint case dated January 15, 2026 passed by the District Consumer Disputes Redressal Commission. The case of the petitioner is that he had advised a medicine for the baby of the opposite party no.1 over telephone. A personal advice owing to personal relationship, could not be termed as a 'service' rendered by the petitioner.
2. The petitioner will not come within the purview of the Consumer Protection Act, 2019 (hereinafter referred to as the said Act). Unless, the complainant is a consumer and service as defined under Section 2(42) of the said Act had been rendered, the Tribunal was under a duty to reject the said complaint at the stage of the admission itself, by applying Section 36(2) thereof.
3. Prima facie, I find that the pleadings in the complaint support the case of the petitioner, of having advised an increased dose of a particular medicine for the child at

the request of the child's mother. The child's mother is the petitioner's niece. She made a phone call to the petitioner when she found her child was very sick. It also appears that the petitioner suggested the name of a particular doctor who would treat the child at the hospital. There are no averments which would indicate that the petitioner had actually treated the child in a professional capacity and had charged for the same. In my, prima facie, view when the Act of 2019 provides for an admission hearing, the commission ought to have arrived at some, prima facie, satisfaction that the petitioner had rendered service as defined under the Act and the complainant was a consumer. Admission was not a matter of course, under the said Act.

4. There shall be stay of all further proceedings in Consumer Complainant No.DC/AB3/315/CC/3/2026 in respect of the petitioner, which is pending before the learned District Consumer Disputes Redressal Commission, Kolkata-III (South) for a period of four weeks from date or until further orders, whichever is earlier.
5. Let this matter appear in the list on 9<sup>th</sup> March, 2026.
6. Service of the revisional application upon the opposite parties.
7. Affidavit-of-service to be filed on the next date.

**(Shampa Sarkar, J.)**