

January 31, 2024  
Sl. No.7  
Court No.19  
s.biswas

CO 4076 of 2023  
With  
CAN 1 of 2023

*Debjani Dutta (Paul)*  
*vs.*  
*Papia Biswas and others*

Mr. Anindya Lahiri  
Mr. Samrat Dey Paul

... for the petitioner

Mr. Arun Kumar Dev  
Mr. Partha Pratim Dey  
Mr. Pinaki Brata Ghosh

... for the opposite party no.1

Mr. Saumyajit Ghosal

... for the opposite party nos.2 & 3

CAN 1 of 2023 is an application for condonation of delay in filing the revisional application.

The revisional application is maintainable. There is no fixed period of limitation. Accordingly, the application is allowed.

In re: CO 4076 of 2023

Prima facie, it appears that the learned commission erred in law, in holding that there was no mechanism under the Consumer Protection Act and proceedings leading therefrom, allowing an opposite party to cross-examine another opposite party by filing a questionnaire. Here, it is the case of the petitioner that the complainant before the district forum was colluding with one of the opposite parties. In my, prima facie, view an opportunity to cross-examine the opposite party should have been given to the petitioner. The question is whether such

observation and finding of the commission is an error of law and whether this court can correct such error under Article 227 of the Constitution of India.

The point of maintainability of the revisional application is kept open. Copies of the revisional application be served upon the opposite parties and affidavit of service be filed on the next date.

Let this matter appear for final hearing on March 15, 2024 at 10:30 a.m.

Stay of all further proceedings in Complaint Case No.CC/267/2022, which is pending before the learned District Consumer Dispute Redressal Commission, Kolkata Unit-III (South), till May 31, 2024.

In the meantime, the parties are at liberty to exchange their pleadings.

**(Shampa Sarkar, J.)**