

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2740 OF 2007

State of U.P. and Others

Appellant(s)

Versus

All U.P. Consumer Protection
Bar Association

Respondent(s)

WITH

WRIT PETITION (CIVIL) NO.164 OF 2002

O R D E R

On 5th September, 2018, the following order was
passed:-

“Mr. Maninder Singh, learned ASG for the Union of India and Mr. P.S. Patwalia, learned Amicus curiae are requested to meet the President, National Consumer Disputes Resolution Commission and find out what are the requirements for the proper functioning of Consumer Commissions/Courts at the Central and the State levels. Both of them shall submit a joint statement, so that the problem can be resolved.

Let the matter be listed on
11.9.2018.”

Be it noted, prior to the said order, an affidavit was filed on 31st August, 2018. The essential part of the said affidavit reads as follows:-

"3. The position with regard to status of action taken on the directions is submitted as follows:

(i) Posts: NCDRC had projected the requirement of 204 additional posts at various levels, based on Bagla Committee report, Staff Inspection Unit (SIU) reports 2003 and 2006 and in-house exercise of 2015. Out of 204 additional posts projected by NCDRC, 51 posts have been created.

It is submitted that to assess the requirement of posts in NCDRC a proposal had been sent to SIU for conducting work study, to meet their present staff requirements. In this context SIU had asked for furnishing certain data/information in prescribed formats, which could not be furnished by the NCDRC. Hence, the work study could not be conducted by SIU.

However, after the order of Hon'ble Supreme Court dated 18.05.2018, SIU was again requested to conduct a work study. The SIU informed that staffing study of NCDRC was included in the annual programme of SIU for the year 2014-15 and continued up to the year 2016-17. However, the study could not be conducted due to non-receipt of the required documents and thus, the study was finally taken off from the annual programme of SIU studies 2017-18 onwards. SIU further informed that at present it has enough studies for the annual calendar for 2018-19 and study of NCDRC can be taken up in the next financial year i.e. 2019-20 if the proposal is received with all required and relevant data and information along with approval of Financial Advisor before commencement of the next financial year. Keeping in view the directions of the Hon'ble Supreme Court, it is felt that creation of additional posts in NCDRC after conducting

SIU work measurement study would be too late. In view of this, it has been decided that essential posts required for the smooth functioning of NCDRC may be created in consultation with NCDRC. The NCDRC vide its letter dated 13.08.2018 has requested this Department to consider sanctioning of 12 posts of Personal Assistant (PA) and 11 posts of Principal Private Secretary (PPS). The proposal is under consideration and is being forwarded to Ministry of Finance.

Subsequently, on 20/08/2018, NCDRC sent requirement of 10 more posts besides 23 posts requested earlier, which would be considered after study by SIU.

(ii) Space: NCDRC has asked for allotment of additional space to the extent of 37,249 sq.ft. for accommodation and also for storing of the files. For allotment of additional space to NCDRC, this Department has been taking up the issue with the M/o Housing & Urban Affairs since the year 2010. Several DO letters have been sent to that Ministry requesting for allotment of additional space to NCDRC. However, to meet the urgent requirement of space for storing files, NCDRC has been offered a room available in Jam Nagar House. The Registrar, and the Joint Registrar have already visited to inspect the space and agreed to utilize the same.

In 2018, the Department of Consumer Affairs approached NBCC for allotment of space to NCDRC in East Kidwai Nagar. The NBCC informed that the office space at East Kidwai Nagar had been sold out and that e-auction for sale of built up area in two towers at World Trade Centre, Commercial Complex, Nauraji Nagar would be held in January, 2018. It was not possible to participate in e-auction, which involved approximately Rs.119 crore for the space requirement of NCDRC of around 32000 square feet without prior approval of competent authority in the Government and also budgetary provisions. Subsequently, Ministry of Housing and Urban Affairs was requested to ask NBCC to allot space of around 32000 square feet at no

profit no loss basis.

After the orders of the Hon'ble Supreme Court dated 18.5.2018, the Ministry of Housing and Urban Affairs has again been requested to look into the matter of allotment of additional space to NCDRC.

However, to meet the urgent requirement of space for storing files, NCDRC has been offered space available in Jam Nagar House. Officers of NCDRC have already visited to inspect the space and agreed to utilise the space. NCDRC is being requested to explore the possibility of hiring space from the open market, for which non-availability certificate (NAC) has already been issued by the Directorate of Estates."

It is submitted by Mr. Maninder Singh, learned Additional Solicitor of India that as per our previous order, discussion has taken place and efforts shall be made to resolve all the issues.

Mr. Sukumar Pattajoshi, learned senior counsel appearing for the Orissa State Consumer Redressal Forum and Mr. P.S. Patwalia, learned Amicus Curiae submitted that a time limit may be given to solve the problem so that the Commission can function in an appropriate manner and the dispensation of justice under the National Consumer Disputes Redressal Commission is done in a dignified manner. We say so as we have been apprised that there is an acute shortage of space. As a result, some files are even lying in the corridors. There is also an inadequacy of staff, including secretarial staff. The authorities of the Commission and the

competent authority of the Government of India shall work out a solution expeditiously in such a way that such kind of grievances do not travel to the Court. Mr. Maninder Singh, learned Additional Solicitor General has undertaken that he will personally look into all these aspects as a responsible officer of the Court.

At this juncture, it has been brought to our notice that Mrs. Justice Indermeet Kaur Kochhar, a Judicial Member of the Mahanadi Water Disputes Tribunal, who has been recently nominated, has not been given residential premises. The Union of India is directed to provide residential premises to the Member within a week hence.

With the aforesaid directions, the civil appeal stands disposed of. However, if the orders passed by this Court are not complied with, liberty is granted to Mr. P.S. Patwalia, learned Amicus Curiae, who has always expressed his concern before this Court in an appropriate manner, to file a fresh interlocutory application. We may also note with profit the determination expressed by Mr. Maninder Singh, learned Additional Solicitor General that the filing of an interlocutory application may not be warranted because the Government of India will take such steps that the grievances are mitigated.

Writ Petition (C) No.164 of 2002

In view of the order passed in Civil Appeal No.2740 of 2007, the writ petition also stands disposed of.

The interlocutory applications, if any, stand disposed of.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi
September 11, 2018.

ITEM NO.1

COURT NO.1

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No.2740/2007

STATE OF U.P. THROUGH PRINCIPAL SECRETARY & ORS. Appellant(s)

VERSUS

ALL U.P. CONSUMER PROTECTION BAR ASSOCIATION Respondent(s)

WITH W.P.(C) No.164/2002 (PIL-W)

Date : 11-09-2018 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

Mr. P.S. Patwalia, Sr. Adv. (A.C.)

For Appellant(s) Mr. Merusagar Samantaray, Adv.
Mr. Ankur Prakash, AOR

Mr. Ranjan Mukherjee, AOR
Mr. K.V. Kharlyngdoh, Adv.

Mr. V. N. Raghupathy, AOR

For Respondent(s) Mr. Maninder Singh, ASG
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Mr. S. Wasim Quadri, Adv.
Mr. R. Balasubramaniam, Adv.
Mr. Raj Bahadur, Adv.
Mr. Shekhar Vyas, Adv.
Mr. Prabhas Bajaj, Adv.
Ms. Kanika Sarah, Adv.
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Ms. Geetanjali, Adv.
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Mr. Abhinav Mukerji, Adv.
Mrs. Bihu Sharma, Adv.
Mr. Siddharth Garg, Adv.

Mr. B. Vinodh Kanna, Adv.

Mr. Shuvodeep Roy, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Shuvodeep Roy, Adv.
Mr. Somnath banerjee, Adv.

Mr. S. Udaya Kumar Sagar, Adv.
Mr. Mrityunjai Singh, Adv.

Mr. Atul Jha, Adv.
Mr. Sandeep Jha, Adv.
Mr. Rajesh Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Civil Appeal No.2740/2007

The civil appeal is disposed of in terms of the
signed order.

Writ Petition (Civil) No.164/2002

The writ petition is disposed of in terms of the
signed order.

The interlocutory applications, if any, stand
disposed of.

(Chetan Kumar)
A.R.-cum-P.S.

(H.S. Parasher)
Assistant Registrar
(Signed order is placed on the file)