

ITEM NO.105

COURT NO.1

SECTION XI

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(s). 2740/2007

STATE OF U.P. &amp; ORS

Appellant(s)

VERSUS

ALL U.P. CONSUMER PROTECTION BAR ASS.

Respondent(s)

WITH

W.P.(C) No. 164/2002  
Office Report)

Date : 31/08/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUDFor Appellant(s) Mr. Vikrant Yadav, Adv.  
Mr. Mukul Singh, Adv.  
Mr. Gaurav Dhingra, Adv.  
  
Mr. V. N. Raghupathy, Adv.For Respondent(s) Mr. R. Balasubramanian, Adv.  
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Mr. S.S. Rawat, Adv.  
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Mr. D. S. Mahra, Adv.  
Mr. Ajay Pal, Adv.  
  
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Mr. Pradeep Misra, Adv.

Mr. Rajesh Srivastava, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Ravindra Kumar, Adv.

Mr. R. Gopalakrishnan, Adv.

Mr. R. Sathish, Adv.

Mrs. Anil Katiyar, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. S. Srinivasan, Adv.

Mr. T. Harish Kumar, Adv.

Mr. Tushar Bakshi, Adv.

Mr. V. G. Pragasam, Adv.

MS. Aruna Mathur, Adv.  
Mr. Yusuf Khan, Adv.  
Mr. Avneesh Arputham, Adv.  
MS. Anuradha Arputham, Adv.  
M/s Arputham, Adv.  
Aruna & Co., Adv.

Mr. Ashutosh Kumar Sharma, Adv.  
MS. Rachana Srivastava, Adv.

Ms. C. K. Sucharita, Adv.

M/s Corporate Law Group, Adv.

Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, Adv.

Ms. Hemantika Wahi, Adv.

Ms. K. Enatoli Sema, Adv.

Ms. Sandhya Goswami, Adv.

Mr. T. V. Ratnam, Adv.

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

We had by our Order dated 14.01.2016 appointed a Committee comprising Hon'ble Dr. Justice Arijit Pasayat, Former Judge, Supreme Court of India, Hon'ble Ms. Justice Rekha Sharma, Former Judge, High Court of Delhi and the Secretary to Government of India, Department of Consumer Affairs or his nominee with a view to having the infrastructural and other requirements in National Consumer redressal Commission, State Commissions and the District Fora examined and possibly removed by allowing the Committee to make suitable recommendations to that effect to the State Governments concerned. Para 9 of the said order specifically

mentions that upon completion of the deliberations qua each State, the Committee would forward its recommendations to the State Government concerned for the Government to take appropriate steps in the matter in a time-bound manner. A copy of the recommendations was also required to be submitted to this Court to enable this Court to issue appropriate directions in case the recommendations made by the Committee were not accepted or not implemented by the State Government concerned.

The Committee has by now visited 12 States in the country and submitted two interim reports. From a reading of para 8 of the second interim report, it appears that the Committee has not so far forwarded any recommendations to the State Governments concerned for removal of the deficiencies nor is it very clear whether the Committee has identified the deficiencies in the infrastructure needed by the concerned State Commissions and the District FORA in different States which the Committee has by now visited. The Committee it appears is now visiting the remaining States for discussion and deliberations. While it is true that some of the directions which the Committee may eventually issue may require country wide deliberations and consultations, there may be certain other areas which may be State specific in terms of the deficiency in the existing infrastructure in a particular State or States. The spirit of the order passed by us envisages such deficiencies to

be identified by the Committee and pointed out to the State Governments so that the State Governments can take steps to remove the same in a time bound manner. In case the State Governments fail to do so, the matter could be taken up by this Court on the judicial side for appropriate directions. Since the Committee does not appear to have identified the nature and extent of the deficiencies in the States already visited, there is no room for issue of any directions by this Court at this stage. We were wondering whether the Committee could do so without any further delay especially when it would help the State Commissions and the District Fora in different States immensely as the removal of deficiencies noticed therein may not have to wait till the Committee completes the visit to other States. We hope and trust that the Committee appreciates the order passed by this Court in the above spirit and issues directions wherever it finds that the facilities are in any manner deficient.

With these observations we adjourn these matters by six weeks to enable the Committee to submit a further report keeping in view the observations made above.

Post on Friday i.e. 21.10.2016.

(Shashi Sareen)  
AR-cum-PS

(Veena Khera)  
Court Master