

ITEM NO.1

COURT NO.9

SECTIONS XI,PIL

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

## RECORD OF PROCEEDINGS

IA Nos.8, 11, 15 in Petition(s) for Special Leave to Appeal (Civil) No(s).6928/1999  
(From the judgement and order dated 08/10/1998 in CMWP 968/97 of the HIGH COURT OF  
JUDICATURE AT ALLAHABAD)

STATE OF U.P. &amp; ORS

Petitioner(s)

VERSUS

JEET S. BISHT &amp; ANR.

Respondent(s)

(For taking affidavit on record and directions, W.P.(C)548/2003 directed to be treated as I.A.  
in SLP(C)

No.6928/1999 and W.P.(C)No.164/2002 and intervention and directions)

(ALONG WITH THE RECORD OF SLP(C) NO.4135/2002 and WP(C) NO.164/2002)

WITH

W.P.(C) No.164/2002: In re: The Implementation & the Working

of of Consumer Protection Act,1986.

(With applications for directions and to take on record addl. documents and permission to file  
addl. documents and amendment of

writ petition and exemption from filing O.T.)

(FOR DIRECTIONS)

Date: 28/02/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner (s)

Mr. Pradeep Mishra, Adv.

Mr. Javed M. Rao, Adv.

Mr.V.Sudeer, Adv.

Mr.MBRS Raju, Adv.

Ms.S.Sunita, Adv.

Mr.S.Sachin, Adv.

Mr.M.Sailaja, Adv.

2

Mr.Balaji Srinivasan, Adv.

For Respondent (s)

Mr. A.Saran, ASG.

Union of India

Ms. Kiran Bhardwaj, Adv.

Mr. V.K. Verma, Adv.

Mr.Sisir Pinaki, Adv.

For R 2

Smt.Shobha Dixit, Sr.Adv.

Mr.V.P.Sharma, Adv.

Mr.M.P.S.Tomar, Adv.

Ms.Sandhya Goswami,Adv.

State of Assam

Ms. Krishna Sarma, Adv.(NP)

for Corporate Law Group, Adv.

State of A.P.

Mr. P. Vinay Kumar, Adv.

Ms. Sneha Bhaskaran, Adv.

For Mrs. D. Bharathi Reddy, Adv.

State of Arunachal

Pradesh

Mr. Anil Shrivastava, Adv.

State of Bihar

Mr. Gopal Singh, Adv.(NP)

State of Chhatisgarh      Ms. Suparna Srivastava, Adv.  
   Ms. Deepti Singh, Adv.  
   Mr. Rajesh Srivastava, Adv.

NCT Delhi                      Mr. Ashok Bhan, Adv.  
   Mrs. Kiran Bhardwaj, Adv.  
   Mrs. Anil Katiyar, Adv.

For NCDRC Bar Asscn.      Mr. M.N. Krishnamani, Sr.Adv.  
   Mr. S.K. Sharma, Adv.  
   Mr. Ranji Thomas, Adv.  
   Mr. V.N. Raghupathy, Adv.

UTs of Daman & Diu,      Ms. Sunita Sharma, Adv.  
Lakshadweep, Dadra &      Mr. D S Mahra, Adv.  
Nagar Haveli, Andaman &  
Nicobar

State of Gujarat              Ms. Hemantika Wahi, Adv.  
   Ms. Sadhana Sandhu, Adv.

State of Haryana              Mr. T.V. George, Adv.(N.P.)

State of H.P.                      Mr. J.S. Attri, Addl.Adv.Gen.

State of J & K                      Mr. Anis Suhrawardy, Adv.

State of Jharkhand              Mr. D.N. Goburdhun, Adv.(NP)

State of Kerala                      Mr. K R Sasiprabhu, Adv.

State of Karnataka Mr. Sanjay R Hegde, Adv.

State of Maharashtra Mr. S.S. Shinde, Adv.  
Mr. V.N. Raghupathy, Adv.

State of Manipur Mr. KH. Nobin Singh, Adv.

State of Mizoram Mr. K N Madhusoodhanan, Adv.  
Mr. R Sathish, Adv.

State of M.P. Mr. N.M. Ghatate, Sr. Adv.  
Mr. C.D. Singh, Adv.  
Ms. Kiran Suvarna, Adv.  
Mr. Dhruvad Kashyap, Adv.

State of Meghalaya Mr. Ranjan Mukherjee, Adv.

State of Nagaland Mr. Upamanyu Hazarika, Adv.  
Mr. Satya Mitra, Adv.  
Ms. Sumita Hazarika, Adv.

State of Orissa Mr. Janaranjan Das, Adv.  
Mr. Swetaketu Mishra, Adv.  
Ms. Kshyama Singh, Adv.

State of Punjab Mr. Sorup Singh, AAG, Pb..  
Mr. Arun K Sinha, Adv.

Govt. of Pondicherry Mr. V.G. Pragasaam, Adv.

State of Rajasthan Mr. Aruneshwar Gupta, Addl. Adv. Genl.

State of Sikkim Mr. A. Mariarputham, Adv.  
Ms. Aruna Mathur, Adv.  
For M/s. Arputham Aruna & Co., Adv.

State of Tamil Nadu Mr. Subramonium Prasad, Adv.

Mr.Gopalakrishnan, R., Adv.

Mr.Jaikishore, Adv.

State of Tripura

Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

State of W.B.

Ms. Neelam Sharma, Adv.

For Mr. Tara Chandra Sharma, Adv.

State of Uttaranchal

Ms. Rachana Srivastava, Adv.

UT of Chandigarh

Ms. Kamini Jaiswal, Adv.

Mr.N.S.Bisht, Adv.

Ms.Kavita Wadia, Adv.

Mr.R.Sathish, Adv.

Mr.Rajesh Srivastava, Adv.

Mr.Ravindra Kumar, Adv.

Mr.Pallav Shishodia, Adv.

Mr.Rajeev Sharma, Adv.

Mr.Javed M.Rao, Adv.

Ms.A.Subhashini, Adv.

Mr.Prakash Srivastava, Adv.

Mr.B.B.Singh, Adv.

Mr.Radha Shyam Jena, Adv.

Mr.B.V.Balram Das, Adv.

Mr.T.Mahipal, Adv.

Mr.Ashok Mathur, Adv.

UPON hearing counsel the Court made the following

O R D E R

It is stated by Mr.Pradeep Misra, learned counsel for the State of U.P. that a piece of land

measuring 7900 sq.mtrs. by the side of proposed site of the High Court at Gomti Nagar has been

allotted, pursuant to the directions of this Court. We were told that the said proposal has been accepted

by the Chairman of the State Commission. It is further stated that all formalities as regards grant of site

would be completed within four weeks. An affidavit filed by State of U.P. in this behalf is placed on

record. Mrs.Shobha Dixit, learned senior counsel appearing on behalf of the Bar Association of U.P.

states that although the area of the land is less than 10,000 Sq.mtrs. As directed by this Court, she

will have no objection for allotment of the land as the Chairman of the State Commission has agreed.

W.P.(C)No.164 of 2002:

Pursuant to this Court's order dated 27th September, 2005, an affidavit has been filed by

the Union of India affirmed by one Shri P.Venkatesan, Director of the Department of Consumer Affairs

in the Ministry of Consumer Affairs, Food & Public Distribution, New Delhi, stating that the Ministry

of Finance (Dept. of Expenditure), after discussing the matter with the concerned Ministries, has

decided to implement the following proposal :

(i) To enhance the honorarium of the Members, NCDRC from Rs.10000/- to Rs.20000/- per

month OR last pay drawn minus pension as may be opted by the Hon'ble Members.

(ii) HRA @ Rs.6000/- per month to Members who are not availing Government

accommodation.

(iii) Enhancement of conveyance allowance from Rs.150 per day of sitting or Rs.1500/- per

month to Rs.500 per day of sitting.

6

Having heard Mr.M.N.Krishnamani, learned senior counsel appearing for the petitioner and the

learned Additional Solicitor General, we are of the opinion that in this behalf the opinion of the

Chairman of the National Consumer Disputes Redressal Commission may also be solicited. The learned

Addl.Solicitor General states that a copy of the affidavit shall be handed over to the Chairman of the

National Commission and he shall also discuss the matter with His Lordship.

So far as the existing vacancies in the State of Madhya Pradesh is concerned,

Dr.N.M.Ghatate, learned senior counsel appearing on behalf of the State, refers to an affidavit affirmed

by one Shri G.D.Palo, Registrar, Madhya Pradesh State Consumer Disputes Redressal Commission

wherein it has been stated that 34 posts of members of several District Forums are lying vacant, out of

which selection of names in respect of 7 posts have been finalized by the State Selection Committee. For

the rest of the vacant posts advertisement has been issued at the State level in newspapers. It has further

been stated therein that one post is lying vacant in the State Consumer Disputes Redressal Commission

mission

due to the death of one member namely Mr.B.L.Khare for which selection process is going on. In view

of these facts, it is directed that the State of Madhya Pradesh should fill up all the vacancies within eight

weeks from date.

It appears that despite our order dated 27th September, 2005, the States of Bihar,

Jharkhand, Assam and Haryana have not filed any affidavit. Let the Registry serve notices upon the

respective standing counsel to file such affidavit within three weeks. That if no affidavit in compliance

is filed within the said period, the Secretaries of the Department of Food and Civil Supplies of the

concerned States would be asked to remain present in person in the Court on the next date of hearing.

Mr.Krishnamani, learned senior counsel states that he will also take steps to serve the standing counsel

of the respective State.

Mr.Janaranjan Das, learned counsel appearing on behalf of the State of Orissa states that

an affidavit has been filed by him wherein it was indicated that only one post is lying vacant. We direct

that every endeavour shall be made to fill up the said post within ten weeks.

7

Writ Petition © No.548/2003 be treated as I.A.in SLP(C)no.6928/1999 and W.P.(C)

no.164/2002 and may be posted along with these matters.

I.A.No.8 is disposed of accordingly.

Post after six weeks.

(G.V.Ramana)

Court Master

(Pushap Lata Bhardwaj)

Court Master