

ITEM NO.21

COURT NO.1

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No.25612/2023

(Arising out of impugned final judgment and order dated 20-10-2023 in WP No.3680/2023 passed by the High Court of Judicature at Bombay at Nagpur)

GANESHKUMAR RAJESHWARRAO SELUKAR & ORS.

Petitioner(s)

VERSUS

MAHENDRA BHASKAR LIMAYE & ORS.

Respondent(s)

WITH S.L.P.(C) No.26881/2023 (IX)

(With IA No.242864/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.242866/2023 - EXEMPTION FROM FILING O.T.)

S.L.P.(C) Nos.26172-26174/2023 (IX)

(With IA No.244830/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

S.L.P.(C) No.26582/2023 (IX)

(With IA No.249793/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.249794/2023 - EXEMPTION FROM FILING O.T.)

S.L.P.(C) No.26581/2023 (IX)

(With IA No.249791/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.249792/2023 - EXEMPTION FROM FILING O.T.)

S.L.P.(C) No.27352/2023 (IX)

(With IA No.257153/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.257154/2023 - EXEMPTION FROM FILING O.T.)

S.L.P.(C) Nos.639-641/2024 (IX)

(With IA No.3811/2024-EXEMPTION FROM FILING O.T.)

Date : 07-03-2024 These petitions were called on for hearing today.

**CORAM :**

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA**

**For Petitioner(s)**

SLPC 25612/2023                      **Mr. Nishant Ramakantrao Katneshwarkar, AOR**

SLPC 26881/2023                      **Mr. Aaditya Vijaykumar, Adv.  
Ms. Akshita Katoch, Adv.  
Mr. Akshit Mohan, Adv.  
Mr. Chitranshul A. Sinha, AOR**

SLPC 26172-74/2023 &  
SLPC 26582/2023                      **Mr. Siddharth Dharmadhikari, Adv.  
Mr. Aaditya Aniruddha Pande, AOR  
Mr. Bharat Bagla, Adv.  
Mr. Sourav Singh, Adv.  
Mr. Aditya Krishna, Adv.  
Ms. Preet S. Phanse, Adv.  
Mr. Adarsh Dubey, Adv.**

SLPC 26581/2023 &  
SLPC 27352/2023                      **Dr. Tushar Mandlekar, Adv.  
Ms. Tejas Fadanvis, Adv.  
Ms. Anju Thomas, AOR  
Ms. Muskan Surana, Adv.**

SLPC 639-641/2024                      **Mr. Amrish Kumar, AOR**

**For Respondent(s)**

**Mr. Anil Mardikar, Sr. Adv.  
Mr. Sachin Shanmukham Pujari, AOR**

**Mr. Sudhandhu S. Choudhari, Sr. Adv.  
Mr. Siddharth S. Chapalgaonkar, Adv.  
Mr. Pai Amit, AOR  
Ms. Sneha Botwe, Adv.  
Ms. Pranjal Chapalgaonkar, Adv.  
Mr. Abhiyudaya Vats, Adv.**

**Ms. Sakshi Kakkar, AOR  
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Mr. T. Hari Sudha, Adv.  
Mr. R. Karthik, Adv.**

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Ms. Astha Sharma, AOR

Mrs. Aishwarya Bhati, ASG  
Mr. Amrish Kumar, AOR  
Mrs. Sonali Jain, Adv.  
Mr. Raman Yadav, Adv.  
Mr. Abhishek Kumar Pandey, Adv.  
Mr. Chitvan Singhal, Adv.  
Mr. Kartikey Aggarwal, Adv.  
Mrs. Shradha Deshmukh, Adv.

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Dr. Uday Warunjikar, Adv.  
Mr. Pravartak Suhas Pathak, AOR  
Mr. Sumit Kate, Adv.  
Mr. Aditya Kharkar, Adv.

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Mr. Abhiyudaya Vats, Adv.

Mr. Nachiketa Joshi, AOR  
Ms. Sucheta Joshi, Adv.  
Ms. Himadri Haksar, Adv.  
Mr. Narayan Dev Parashar, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

Mr. Vinod Khera, Adv.  
Mr. Rajat Srivastav, AOR  
Mr. Parshuram Mandal, Adv.

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

- 1 List the Special Leave Petitions on 15 March 2024.
- 2 The interim order passed by this Court on the earlier occasion, shall continue until 15 March 2024.

**IA No 51654 of 2024 In SLP (C) Nos 639-641 of 2024**

- 1 In the judgment of this Court in ***The Secretary Ministry of Consumer Affairs vs Dr Mahindra Bhaskar Limaye***<sup>1</sup>, directions were issued on 3 March 2023, *inter alia*, in the exercise of the jurisdiction under Article 142 of the Constitution that for the appointment of the President and Members of the State Consumer Disputes Redressal Commission<sup>2</sup> and the District Consumer Redressal Commissions, the basis for selection would be a written

1 Civil Appeal No 831 of 2023  
2 "SCDRC"

test consisting of two papers, each of 100 marks followed by a *viva voce*. The judgment sets out the total marks to be assigned as well as the minimum qualifying marks by directing that the total marks would comprise of 250, of which the written test would carry 200 marks and *viva voce* 50 marks.

- 2 A considerable difficulty has been faced in working out of the directions under Article 142 of the Constitution. In this backdrop, an Interlocutory Application has been filed by the Union Government.
- 3 The Union Government has proposed to bring about amendments to the Consumer Protection (Qualification for Appointment, Method of Recruitment, Procedure for Appointment, Term of Office, Resignation and Removal of the President and Members of the State Commission and District Commission) Rules 2020 to the following effect:

- “(i) The Selection Committee, headed by the Chief Justice of the High Court or his nominee, may be permitted to determine its own procedure for making its recommendation keeping in view the specific requirements of the State Commission or the District Commission and position viz. number of vacancies, number of applicants etc. and after taking into account the suitability, record of past performance, integrity and adjudicatory experience.
- (ii) The Applicants applying for the Office of President of the State Commission or the District Commission may be exempted from the written examination as envisaged in Rule 6(9) of the Rules 2020. The remaining positions, the Selection Committee may be permitted to determine its own procedure for making its recommendation keeping in view the requirements of the State Commission or the District Commission, after taking into account the suitability, record of past performance, integrity and adjudicatory experience.
- (iii) Amendment in the composition of Selection Committee to include the President of the State Commission in Selection Committee. This base broadening of the selection committee will have a positive impact and cause judicial

dominance (given that the convener of the selection committee i.e. Secretary In-charge (Consumer Affairs) shall have no voting rights.”

- 4 During the course of the hearing, it is conceded on both the sides that no written test would be either feasible or practicable for the appointment of the President of the SCDRC for which a former Judge of the High Court is eligible for appointment. Hence, insofar as appointments to the post of President of the SCDRC are concerned, we direct that the requirement of holding a written examination and *viva voce* in the terms as envisaged shall stand relaxed for the present. At the same time, it is clarified that the appointments to the office of President of the SCDRC shall be made in consultation with and subject to the concurrence of the Chief Justice of the High Court.
- 5 As regards the remaining part of the proposals which have been made by the Union Government, we are of the considered view that it is necessary to ensure that the selection process is objective and transparent. Moreover, the Selection Committee must be brought in conformity with the judgments of this Court which hold the field.
- 6 During the course of the hearing, it has been suggested that the Selection Committee for the appointment of Members of the State Commission and the President and Members of the District Commissions should consist of (i) the Chief Justice of the High Court or their nominee; (ii) the President of the State Commission; (iii) the Law Secretary; and (iv) the Secretary In-charge of the Ministry of Consumer Affairs, who will act as a convener of the Selection Committee without voting rights.
- 7 Ms Aishwarya Bhati, Additional Solicitor General, has on behalf of the Union of India submitted that based on the discussions which have taken place during the course of the hearing, as recorded above, the Union Government will come back to this Court with its concrete suggestions in regard to the

manner in which it proposes to amend the rules to ensure that due objectivity and transparency is maintained in the appointments across the country to the posts of President of State Commissions as well as President and Members of the District Commissions.

- 8 List the Special Leave Petitions on 22 March 2024.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**