

consumer case

Kolkata Consumer'S Voice & Anr vs Union Of India & Ors on 12 June, 2013

Kolkata And Others vs Shri Apurba Konar on 23 September, 2009

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The Learned Senior Counsel for the petitioners referred to the application under Article 227 of the Constitution of India. It appears from paragraph 13 of the said application that the petitioners have taken a stand that according to Sections 13 and 15 of the Railway Claims Tribunal Act, 1987 read with Sections 123 and 124A of the Railways Act, 1989 the jurisdiction to hear the instant case lies exclusively with the Railway Claims Tribunal. According to the petitioner, in terms of Section 13(1A) of the Railway Claims Tribunal Act, 1987 the case of the opposite party falls within the expression 'untoward incident' as defined in Section 123(1)(c) of the Railways Act, 1989 and as such it will be governed by Section 124A of the said Act of 1989 which deals with compensation payable in case of a untoward incident. According to the petitioners, Section 13(1A) which lays down that Railway Claims Tribunal will exercise jurisdiction over matters relating to compensation payable under Section 124A of the Railways Act, 1989 will be applicable in the instant case and therefore Section 15 of the Railway Claims Tribunal Act, 1987 which bars jurisdiction of all Courts and other authority regarding matters falling under Section 13(1A) will be applicable.

note down

In view of the discussions made above, this court finds that the case, as aforesaid, filed by the opposite party before the Calcutta District

Consumer Disputes Redressal Forum does not have any merit at all from the point of view of the Consumer Protection Act, 1986. The said Forum acted illegally and with material irregularity and also without jurisdiction in passing its order dated 04.12.2007, as aforesaid. The Learned State Commission also acted illegally and with material irregularity in affirming the judgement passed by the District Forum by its order dated 23.09.2008 as corrected by order dated 03.11.2008. In such circumstances, the impugned orders passed by the Learned District Forum and also the Learned State Commission are set aside.