



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17277 of 2024

The Union of India, Petitioner
Ministry of Railways,
South Eastern Railway,
Chakradharpur, Jharkhand
& Ors.

Mr. Bhabani Shankar Raiguru, Adv.

-versus-

Ashok Shahi Opposite Party

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

22.07.2024

01. 1. This matter is taken up through hybrid arrangement.
2. In filing this Writ Petition, the Petitioner has challenged the orders dated 22.06.2022 and 03.05.2024 passed by the learned State Consumer Disputes Redressal Commission, Odisha in F.A. No.180/2010 and R.A. No.17 of 2023 respectively.
3. Learned counsel for the Petitioner submits that on 22.06.2022 the proceeding vide F.A. No.180/2010 was dismissed for non-prosecution. He further submits that after dismissal of the F.A. for non-prosecution, a petition under Section 50 of the Consumer Protection Act, 2019 vide R.A. No.17 of 2023 for restoration of the appeal was filed, which was also dismissed.
4. Learned counsel for the Petitioner further contends that the Petitioner was all along present on each date of posting of the matter. But, unfortunately, on 22.06.2022 the Petitioner was not



present. Therefore, the case of the Petitioner was dismissed for non-prosecution.

5. Learned counsel for the Petitioner further relying on a judgment of this Court in the case of *Rabindra Kumar Mohanty Vrs. The Registrar, Income Tax Appellate Tribunal, Cuttack Bench, Cuttack*¹ submits that the learned State Consumer Disputes Redressal Commission, Odisha ought to have decided the appeal vide F.A. No.180/2010 after providing adequate opportunity of hearing to both the sides rather dismissing the same for non-prosecution.

6. Considering the submission made on behalf of the Petitioner and looking to the decision cited *supra*, this Court while setting aside the impugned orders dated 22.06.2022 and 03.05.2024 passed by the learned State Consumer Disputes Redressal Commission, Odisha in F.A. No.180/2010 and R.A. No.17 of 2023 respectively, remits the matter back to the learned State Consumer Disputes Redressal Commission, Odisha for deciding the same afresh on merit by providing opportunity of hearing to all the parties concerned.

7. It is also made clear that this order shall not be treated as a precedent.

8. This Writ Petition is, accordingly, disposed of.

(Dr. S.K. Panigrahi)
Judge

¹ W.P.(C) No.2487 of 2019
decided on 18th March, 2020