

ITEM NO.2 Court 6 (Video Conferencing)

SECTION PIL-W

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

SUO MOTO WRIT PETITION (CIVIL) NO. 2/2021

IN RE: INACTION OF THE GOVERNMENTS IN APPOINTING  
PRESIDENT AND MEMBERS/STAFF OF DISTRICTS AND STATE  
CONSUMER DISPUTES REDRESSAL COMMISSION AND INADEQUATE  
INFRASTRUCTURE ACROSS INDIA PETITIONER(S)

VERSUS

UNION OF INDIA AND ORS.

RESPONDENT(S)

(MR. GOPAL SANKARANARAYANAN, LEARNED SENIOR ADVOCATE ALONGWITH MR.  
ADITYA NARAIN, LEARNED ADVOCATE ARE AMICUS IN THE INSTANT MATTER.  
[FOR APPROPRIATE DIRECTIONS])

Date : 22-10-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESH

Mr. Gopal Sankarnarayanan, Sr. Adv. (AC)  
Mr. Aditya Narain, Adv.  
Mrs. Prerna Priyadarshini, AOR  
Ms. Priyashree Sharma Ph., Adv.  
Mr. Shrutanjaya Bhardwaj, Adv.  
Ms. Rushali Agrawal, Adv.

Mr. Aditya Narain, Adv. (AC)  
Mr. Arnav Narain, AOR  
Ms. Anushree Narain, Adv.  
Mr. Arjun Jain, Adv.  
Mr. Mishra Raj Shekhar, Adv.

For Petitioner(s) Mr. Omprakash Ajitsingh Parihar, AOR  
Mr. Dushyant Tiwari, Adv.  
Mr. Yudhvir Dalal, Adv.  
Mr. Apurv S., Adv.

For Respondent(s) Mr. Tushar Mehta, Ld. S.G.  
Mr. Aman Lekhi, ASG  
Ms. Shraddha Deshmukh, Adv.  
Mr. B.K. Satija, Adv.  
Ms. N. Kedar Gokhale, Adv.  
Mr. Ankur Talwar, Adv.  
Mr. Chinmayee Chandra, Adv.  
Ms. Swarupama Chaturvedi, Adv.  
Mr. Amrish Kumar, AOR

Mr. Chirag M. Shroff, AOR

Mr. S.R. Singh, Sr. Adv.

Mr. Ankur Prakash, AOR

Mr. Amit Yadav, Adv.

Mr. Rahul Chitnis, Adv.

Mr. Sachin Patil, AOR

Mr. Aaditya A. Pande, Adv.

Mr. Geo Joseph, Adv.

Mr. Gurinder Singh Gill, Sr. Adv.

Mr. P.P. Nayak, Adv.

Mr. Kuldeep Singh Kuchaliya, Adv.

Ms. Aashna Gill, Adv.

Mr. Pratap Singh Gill, Adv.

Ms. Bhupinder, Adv.

Ms. Vandana Hooda, Adv.

Mr. Ajay Pal, AOR

Mr. Anil Grover, Sr.AAG, Haryana

Ms. Noopur Singhal, Adv.

Mr. Rahul Khurana, Adv.

Mr. Satish Kumar, Adv.

Mr. Sanjay Kumar Visen, AOR

Mr. Amit Sahni, Adv.

Ms. Shahnaaz Rahman, Adv.

Ms. Taruna Ardhendumauli Prasad, AOR

Ms. Deepika Gupta, Adv.

Mr. Mahfooz Ahsan Nazki, AOR

Mr. Polanki Gowtham, Adv.

Mr. Shaik Mohamad Haneef, Adv.

Mr. T. Vijaya Bhaskar Reddy, Adv.

Mr. Amitabh Sinha, Adv.

Mr. K.V. Girish Chowdary, Adv.

Mr. Abhimanyu Tewari, AOR

Ms. Eliza Bar, Adv.

Mr. Manish Kumar, AOR

Mr. S.C. Verma, Sr. Adv./ Adv. Gen.

Mr. Sumeer Sodhi, AOR

Mr. Manoj Kumar Singh, Adv.

Mr. Arjun Nanda, Adv.

Mr. Surjendu Sankar Das, AOR

Ms. Sakshi Tibrewal, Adv.

Ms. Vishakha, Adv.  
Ms. Deepanwita Priyanka, AOR

Mr. Vikas Mahajan, AAG, H.P.  
Mr. vivek Mahajan, Adv.  
Mr. Joydip Roy, Adv.  
Mr. Anil Kumar, Adv.  
Mr. Arun Singh, Adv.  
Mr. Vinod Sharma, AOR  
Mr. Surinder Singh manak, Adv.  
Mr. Parijat Som, Adv.

Mr. Saurabh Mishra, AAG  
Mr. Gopal Jha, AOR  
Mr. Shreyash Bhardwaj, Adv.  
Mr. Nishant Verma, Adv.

Mr. Arunabh Chowdhury, AAG  
Ms. Pragya Baghel, Adv.  
Ms. Pallavi Langar, AOR

Mr. Shubhranshu Padhi, AOR  
Mr. Ashish Yadav, Adv.  
Mr. Rakshit Jain, Adv.  
Mr. vishal Banshal, Adv.

Mr. G. Prakash, AOR  
Ms. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.

Mr. Mrinal Gopal Elker, AOR

Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Anupama Ngangom, Adv.  
Mr. Karun Sharma, Adv.

Mr. Avijit Mani Tripathi, AOR

Mr. Siddhesh Kotwal, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Manya Hasija, Adv.  
Ms. Pragya Barsaiyan, Adv.  
Mr. Akash Singh, Adv.  
Mr. Nirnimesh Dube, AOR

Mrs. K. Enatoli Sema, AOR  
Mr. Amit Kumar Singh, Adv.  
Ms. Chubalemla Chang, Adv.

Mr. Kiran Kumar Patra, AOR  
Mr. Somesh Kumar Dubey, Adv.

Ms. Ranjeeta Rohatgi, AOR

Ms. Uttara Babbar, AOR

Dr. Manish Singhvi, Sr. Adv.

Mr. Sandeep Kumar Jha, AOR

Mr. Vivek Kohli, Adv. Gen., Sikkim

Mr. Sameer Abhyankar, AOR

Ms. Yeshi Rinchen, Adv.

Mr. Abhinav Mishra, Adv.

Ms. Nishi Sangatani, Adv.

Mr. V. Krishnamurthy, AAG

Mr. D.kumanan, AOR

Mr. Sheikh Fakhruddin Kalia, Adv.

Mr. P. Venkat Reddy, Adv.

Mr. Prashant Tyagi, Adv.

Mr. P. Srinivas Reddy, Adv.

For M/S. Venkat Palwai Law Associates, AOR

Mr. Shuvodeep Roy, AOR

Mr. Kabir Shankar Bose, Adv.

Mr. Ishaan Borthakur, Adv.

Mr. J.K. Sethi, Dy.Adv. Gen., Uttarakhand

Mr. Krishnam Mishra, Adv.

Mr. Rajeev Kumar Dubey, Adv.

Mr. Ashiwan Mishra, Adv.

Mr. Kamlendra Mishra, AOR

Ms. Diksha Rai, AOR

Mr. Suhaan Mukerji, Adv.

Mr. Vishal Prasad, Adv.

Mr. Nikhil Parikshith, Adv.

Mr. Abhishek Manchanda, Adv.

Mr. Sayandeep Pahari, Adv.

M/S. Plr Chambers And Co., AOR

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, AOR

Mr. Aravindh S., AOR

Mr. A. Lakshminarayan, AOR

Applicant-in-person

Mr. Piyush Dwivedi, AOR

Ms. Shirin Khajuria, AOR

Mr. Uday Warunjikar, Adv.  
Mr. Pravartak Pathak, Adv.  
Mr. Shankey Agrawal, AOR

Dr. Tushar Mandlekar, Adv.  
Ms. Astha Sharma, AOR  
Ms. Mantika Haryani, Adv.  
Mr. Simranjeet Singh Rekhi, Adv.

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

On 11.08.2021, in the conspectus of the discussion on the data placed before us we had issued certain directions to ensure that the vacancies are filled in of the Chairman/members of the Consumer Forums. It is only thereafter it was brought to our notice on mentioning that the writ proceedings had been filed before the Nagpur Bench of the Bombay High Court challenging certain advertisement and Rules relating to the persons to man the Consumer Forums. The issue was whether the pronouncement in that judgment should be deferred on account of the proceedings before us and we clarified that it would not be so as per our order dated 08.09.2021. Thereafter the learned Amicus pointed out to us on mentioning that Rules 3(2)(b), 4(2)(c) and 6(9) of the Consumer Protection (Qualification for appointment, method of Recruitment, procedure of appointment, term of office, resignation and removal of President and member of the State Commission and District

Commission) Rules, 2020, had been struck down and that the same may have impact on the process already started for the other States. We directed the matter to be listed today in order to enable us to examine the impact of the said judgment and pass necessary directions.

Learned ASG submits that the two weeks window was provided by the judgment of the High Court to enable the Central Government or any party aggrieved by the judgment to assail the same before us and the Union of India and the State of Maharashtra are in process of filing the SLP. Be that as it may, the question is whether the process which has been initiated in the different States in pursuance to our comprehensive order passed on 11.08.2021 should be kept in abeyance in view of this judgment. On consideration of the importance of filling up of the vacancies, we are of the view that the timeline and processes fixed by us must continue as in some of the cases the appointments have been made and in others the appointment process is at an advance stage. Thus, the process initiated in pursuance to that order should not be impeded by the subsequent judgment of the Nagpur Bench of the Bombay High Court whatever be the ultimate result of further proceedings to be filed by the Government in that behalf.

Insofar as the State of Maharashtra is concerned, we are informed that the appointments of Members have not been made and in view of the judgment the process would depend on the result of the Special Leave Petition(s) to be filed by the State of Maharashtra and the Central Government and whether in those proceedings any interim orders are passed.

The matter is to be listed on 10.11.2021 on further progress, including on the infrastructure aspect, for which in the prescribed form called for by the Amicus Curiae, the data had to be submitted. The State which have not done so will positively do so within one week from today, failing which the concerned Secretary of the State Government shall remain personally present.

The papers qua a representation received from the members of the State Consumer Disputes Redressal Commission, U.P. may be examined; the prayer of that being that the members of the State Commission (retired Judge of District Judge-Supertime Scale) should be entitled to receive salary, allowances and other perquisites as are admissible to a sitting District Judge of the same Pay scale of the State.

A copy of the same be forwarded to Mr. Gopal Shankaranarayanan, learned Amicus Curiae, Mr. Aman

Lekhi, learned Additional Solicitor General and to  
the Standing counsel for the State of Uttar Pradesh.

[CHARANJEET KAUR]  
ASTT. REGISTRAR-cum-PS

[POONAM VAID]  
COURT MASTER (NSH)