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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12490/2021**

MOHAN PRASAD (SINCE DECEASED) THROUGH HIS LRS SH.
YOGESH & ORS. Petitioners

Through: Mr. Gaurav Jha, Advocate.
(M:7982093678)

versus

EMPLOYEES STATE INSURANCE CORPORATION
& ANR. Respondents

Through: Mr. Manish Vashisht, ASC (Civil),
GNCTD with Ms. Sanjana Nangia,
Advocate. (M:8287936603)
Mr. Alok Raj and Mr. Satyakam, ASC,
for R-3. (M:9868219633)

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
% **06.09.2022**

1. This hearing has been done through hybrid mode.
2. Vide previous order dated 19th July, 2022, this Court had urged that the President, State Consumer Disputes Redressal Forum, look into the matter of the Consumer Fora not functioning for the full working hours as per the Consumer Protection Regulations, 2005. This Court had also sought a report as to the details of the infrastructure and vacancies in the State and District Consumer Fora.
3. Pursuant to the same, today, ld. Counsel for the Respondents submits that a report dated 5th September, 2022, has been submitted by the Registrar, Delhi State Consumer Disputes Redressal Commission (*hereinafter "State Commission"*), which reads as under:

“As directed by the Hon’ble Court in the above mentioned matter, the report is as under:

1.(i) On Saturday 3rd September 2022, the undersigned visited the District Commissions (South-I) and (South-II). Both the District Courts are functioning from the same building viz. Udyog Sadan in Qutub Institutional Area, New Delhi. The undersigned reached the premises at 10:30 AM and found both the offices closed. At about 10:45 AM, four officials viz, Sh. Chander Shekhar and Sh. Dinesh Kumar, both Stenos Sh. Davinder Yadav, Office Assistance Support (engaged through NIC) and Sh. Arun Singh, Jr. Asst. came and opened the office. They informed that Court is not held on Saturdays. But on other days i.e. Monday to Friday, the District Court functions from 10:30 AM to 01:00 PM and after lunch break also, if required.

1.(ii) At 11:15 AM, Sh. Shasish Jha, Office Assistant Support (engaged through NIC) came and opened the office of District Forum-X (South-II). He also informed the Court does not function on Saturdays but on other days i.e. Monday to Friday, the District Court functions from 10:30 AM to 01:00 PM and after lunch break also, if required.

2. The undersigned visited the District Commission (North), District Forum -I which is functioning at Tis Hazari Court Complex at 3:15 PM on Monday 5th September 2022. The undersigned met the Hon’ble President of the District Commission, who informed that the District Consumer Court (North) functions from 10:30 AM to 1:00 PM and thereafter after the lunch break also.

It is submitted before the Hon’ble Court that a meeting was held under the Chairmanship of Hon’ble President, State Commission with all

the Presidents and Members of the District Commissions on 15.07.2022. It was impressed upon them that it was imperative to follow the timings as stipulated under the Consumer Protection Regulation.

Prayer - It is respectfully prayed before the Hon'ble Court that the undersigned may kindly be granted some more time to physically visit the remaining District Commissions and submit a factual report before the Hon'ble Court."

4. Ld. counsel appearing for the Petitioner submits that he has not received a copy of the said report. He further places on record a cause list dated 6th September, 2022, published by the District Consumer Disputes Redressal Commission-II, Udyog Sadan, (South-I) which shows that even as on today, the Forum is functioning only between 11:30 a.m. to 12:20 p.m. on the first online link and between 12:20 p.m. to 1:10 p.m on the second online link. Ld. Counsel submits that the physical functioning of the Forum only takes place on Fridays for final arguments. He further places on record a cause list of 22nd August, 2022 of the District Consumer Disputes Redressal Commission-I (North District), Tis Hazari Court Complex, to show that all matters slated for arguments have been adjourned to dates in February, 2023 in the published cause list itself.

5. In view of these facts and the report received today, this Court deems it appropriate to direct the worthy Registrar General to obtain data relating to the functioning of all the District Consumer Redressal Fora (*hereinafter "District Fora"*) across Delhi, as also data relating to pendency of final cases before these fora. The data shall be obtained in respect of the following:

- (i) Number of benches at the District Fora and number of days of functioning in each month of each District Forum, in the year 2022;
- (ii) Timings of hearing by the various benches of the District Fora;
- (iii) Manner in which final cases are being taken up for hearing by the said District Fora;
- (iv) Number of final cases pending for arguments before each District Forum, after evidence has been concluded;
- (v) Number of final contested cases disposed of in 2021 and 2022 by the District Fora;
- (vi) Vacant positions at the District Fora, if any; and
- (vii) Any infrastructure/staff requirement of the District Fora.

6. The worthy Registrar General may constitute a team for collecting this data and is free to make physical visits and enquiries from the concerned fora. The comprehensive report setting out the details as enumerated above be placed before this Court by the worthy Registrar General, by the next date of hearing.

7. In addition, the Registrar, Delhi State Consumer Disputes Redressal Commission, shall also conduct a physical visit of the various District Fora and submit a report at least three-four days before the next date of hearing as to their functioning, including their timings for hearing matters, the status of matters slated for final arguments, and measures taken to fill the vacancies and to provide infrastructural improvements. The Registrar shall also consider the factors as enumerated in paragraph 5 above, for giving his report.

8. List on 1st November, 2022.

9. Copy of the present order be communicated to Ms. Sumanta Chakraborty, Registrar, Delhi State Consumer Disputes Redressal Commission, A-Block, Vikas Bhawan, I.P. Estate, New Delhi-110002 (T-011-23370799).

10. This is a part-heard matter.

PRATHIBA M. SINGH, J

SEPTEMBER 6, 2022

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