STATE CONSUMER DISPUTES REDRESSAL COMMISSION
WEST BENGAL

REVISION PETITION NO. SC/19/RP/40/2025
(Against the Order dated 3rd March 2025 in Appeal No. DC/303/CC/123/2024 of the District Consumer Disputes Redressal Commission North 24 parganas)

UNION BANK OF INDIA
PRESENT ADDRESS - PATULIA BRANCH ,KHARDAH, P.S. RAHARA, DISTRICT-24 PARAGANAS, KOLKATA-700119

.....Petitioner(s)

Versus

SRI AVIJIT BAISYA S/o. Rabindra Baisya
PRESENT ADDRESS - BAISYA PARA,NEAR AGRANI CLUB,PATULIA ,KHARDAH, DISTRICT-NORTH 24 PARGANAS, KOLKATA-700119, WEST BENGAL.
MANIPAL CIGNA HEALTH INSURANCE COMPANY LIMITED
PRESENT ADDRESS - 401/402,RAHEJA TITANIUM,WESTERN EXPRESS HIGHWAY, GOREGAON EAST, P.S.-GOREGAON, MUMBAI-400063
THE MANAGING DIRECTOR ,MANIPAL CIGNA HEALTH INSURANCE CO. LTD.
PRESENT ADDRESS - 401/402,RAHEJA TITANIUM ,WESTERN EXPRESS HIGHWAY, GOREGAON EAST, P.S.- GOREGAON, MUMBAI-400063
BRANCH MANAGER , MANIPAL CIGNA HEALTH INSURANCE COMPANY LIMITED
PRESENT ADDRESS - 401/402,RAHEJA TITANIUM ,WESTERN EXPRESS HIGHWAY GOREGAON EAST, P.S.-GOREGAON, MUMBAI-400063.
MEDI ASSIST INSURANCE TPA PVT. LTD.
PRESENT ADDRESS - TOWER D,4TH FLOOR,1BC KNOWLEDGE PARK,4/1, BANNERGHALTA ROAD, P.S.-SIDDAPURA, BANGALORE-560029.
THE MANAGING DIRECTOR , MEDI ASSIST INSURANCE TPA PVT. LTD
PRESENT ADDRESS - TOWER D,4TH FLOOR,1BC KNOWLEDGE PARK,4/1, BANNERGHALTA ROAD, P.S.- SIDDAPURA, BANGALORE-560029.
APOLLO MULTISPECIALITY HOSPITALS LIMITED
PRESENT ADDRESS - DR. SAPNA SIROHIA AND DR. VANDANA ROY. 58, CANAL CIRCULAR ROAD, P.S.-PHOOLBAGAN, KOLKATA-700054.

.....Respondent(s)

BEFORE:
HON'BLE MR. RAJES GUHA RAY, JUDICIAL MEMBER
HON'BLE MR. SANTANU SAHA, MEMBER

FOR THE PETITIONER: UNION BANK OF INDIA, LIPIKA BISWAS (Advocate)
FOR THE RESPONDENT: SRI AVIJIT BAISYA S/o. Rabindra BaisyaMEDI ASSIST INSURANCE TPA PVT. LTD.THE MANAGING DIRECTOR , MEDI ASSIST INSURANCE TPA PVT. LTD.APOLLO MULTISPECIALITY HOSPITALS LIMITED, TAPABRATA CHATTERJEE (Advocate)

DATED: 11/08/2026

ORDER

Mr. Rajes Guha Ray, Judicial Member

1. This Revision Petition has been filed by Revision Petitioner/proforma OP No. 1 namely Union Bank of India against the Respondent Avijit Baisya and 6 others against the impugned Order dated 03.03.2025 passed by Ld. DCDRC, North 24 Parganas, Barasat in case no. CC/123/2024 contending inter alia that the Petitioner was the proforma OP No. 1 in original case No. CC/123/2024 of Ld. DCDRC, North 24 Parganas, Barasat. The Petitioner was served the copy of application filed by the Complainant in original case and the Revisionist/Petitioner filed written version on 09.09.2024 in that complaint case, where Ld. Commission observed that same was filed beyond statutory period for a little delay and passed the Order that written version of the Petitioner was filed when the statutory period is over and accordingly case will run ex parte against the proforma OP No. 1 i.e. the present Revisionist.

1.1. It is contended that the branch remains under huge pressure to attend their customer in daily schedule and the Bank handed over charges to its office person to contact advocate for proper instruction and preparation of written version and to file the same but due to workload at that period the person failed to contact with their advocate within due time and ultimately the Bank contacted and met their appointed advocate Smt. Lipika Biswas and filed written version and subsequently by Order dated 03.03.2025 Ld. Commission passed the Order for running the case against this Petitioner ex parte and did not accept the written version etc. So, the Revisionist/proforma OP No., 1 has filed this Revision Petition inter alia on the following grounds:

i) That Ld. Commission below erred in holding that there is a little delay to file written version which was beyond control of Revision Petitioner and has failed to consider the rules and laws of the Consumer Protection Act, 2019 etc. and has prayed for setting aside the impugned Order dated 03.03.2025.

POINTS FOR DETERMINATION

2. The following points are to be considered for determination of this Revision Petition.

i) Whether Ld. Commission below has passed the impugned Order without jurisdiction vested in it or failed to exercise its jurisdiction or has exercised the jurisdiction illegally or material irregularity;
ii) Is the impugned Order deserves to be set aside;

DECISIONS WITH REASONS

3. In course of hearing objection was raised against the Revision Petition. As per the impugned Order dated 03.03.2025 passed by Ld. Commission below in CC/123/2024 the present Revisionist/proforma OP No. 1 received the notice of the complaint case on 18.07.2024 but the proforma OP filed the written version on 09.09.2024 i.e. after the statutory period as stipulated in Section 38(3)(a) of the Consumer Protection Act, 2019. As per said provision the OP can file written version within 30 days from the date of receipt of the notice and also after the extended period of 15 days which depends on the discretion of the concerned Ld. Commission.

4. This is a revisional application. Section 46 (1) (b) empowers this Commission to see as to whether any District Commission within the State, where it appears to the State Commission that such District Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity. So, unlike an appeal, there is no scope for travelling beyond the materials on records or even the merit of the case. In a case of Revisional application the core issue is the impugned order under challenge. As per aforesaid provision three points mentioned above are to be taken into consideration for adjudication. The first two are not so difficult to adjudicate. Apparently, Ld. Commission below had/has not exercised a jurisdiction not vested in it to pass such order. There is nothing in the impugned order suggesting that Ld. Commission below has

failed to exercise his jurisdiction so vested in it. Only the remaining third point requires some more application of mind to find if there is any material irregularity while passing the impugned order.

5. In the instant case the written version was filed by the proforma OP No. 1 i.e. Revisionist after a period of about 51 days from the date of receipt of the notice i.e. beyond the statutory period of 30 days causing delay of about 21 days. However, Ld. Commission may extend that period for further 15 days. Such extension of time depends upon discretion of the Ld. Commission concerned. In as much as further extension of time for filing written version is a matter of discretion of concerned Ld. Commission and so, if such discretionary power is exercised by not allowing the extended period, it cannot be inferred that the Ld. Commission has acted without jurisdiction or failed to exercised its jurisdiction conferred on it or has acted illegally or material irregularity. Moreover in the present case, even if further extension of 15 days is allowed, in that situation also, there was delay of about 05 days. So, there was no scope before Ld. Commission below to extend any further time. This is a revision petition. Here the scope for interference by the appellate authority is restricted unlike an appeal.

6. Considering all aspects including the strictness of the provision regarding time period for filing written version this Commission find no infirmity or illegality in passing the impugned Order and as such this Commission finds no reason to interfere with the impugned Order dated 03.03.2025 passed by the Ld. Commission below and as such it needs no interference.

Accordingly, the present revision petition fails.

7. Hence, it is

o r d e r e d

that the Revision Petition being No. SC/19/RP/40/2025 is dismissed on contest without cost.

The impugned order dated 03.03.2025 passed by Ld. DCDRC, North 24 Parganas, Barasat in Consumer Complaint Case No. CC/123/2024 is affirmed.

The Interim Order of Stay granted earlier stands vacated.

The Interlocutory Application pending, if any, stands disposed of.

Send a copy of this order to Ld. Commission below for information and further proceeding of the case as per law.

Supply copy of this order to the parties free of cost.

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RAJES GUHA RAY,
JUDICIAL MEMBER

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SANTANU SAHA,
MEMBER