

ITEM NO.28

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).1144/2021

IN RE: PAY AND ALLOWANCE OF THE MEMBERS OF THE U.P. STATE CONSUMER
DISPUTES REDRESSAL COMMISSION

[ONLY IA NO. 8180/26 and 7905/26 IN WP(C)NO. 1144/21 AND CONTEMPT
PETITION(C) NO.57/2026 ARE LISTED UNDER THIS
ITEM].....

IA No. 8180/2026 - INTERVENTION/IMPLEADMENT

IA No. 7905/2026 - PERMISSION TO FILE APPLICATION FOR DIRECTION

WITH

CONMT.PET.(C) No.57/2026 in W.P.(C) No. 1144/2021 (PIL-W)

IA No. 32324/2026 - EXEMPTION FROM FILING O.T.

Date : 11-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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

1. This batch of matters pertains to the constitution of the State Consumer Disputes Redressal Commission(s) ('State Commission') and District Consumer Disputes Redressal Commission(s) ('District Commission') as well as the prescription of the conditions of service of the Chairperson and Members appointed at different levels therein. In the course of giving effect to certain *interim* directions issued by this Court on 19.05.2025, it has transpired that a few States do not find it viable to constitute the State Commission and/or to have a District Commission in every district. Such a plea is founded upon the limited total pendency before the State Commission or the District Commissions.

2. While there are multiple issues that need to be addressed effectively, as of now, we propose to deal with some of the smaller States. Apropos thereof, we find that the instant issues need to be examined primarily within the contours of our powers under Article 142 of the Constitution of India.

3. For illustration, we may refer in brief to some of the States/Union Territories before us, *in seriatim*:

- i. In the State of Arunachal Pradesh, there are a total of 59 cases pending before the District Commission or the State Commission. Due to such low pendency, the State Government has taken a stand that the constitution of a State Commission or even a District Commission will lead to an unnecessary and

disproportionate burden on the State Exchequer;

- ii. Similarly, in the State of Sikkim, 52 complaints are stated to be pending before the District Commission, while only 12 complaints/appeals are pending before the State Commission;

In the State of Tripura, there are about 316 complaints pending before the four District Commissions, and 46 complaints/appeals pending before the State Commission. Moreover, in Sikkim as well as in Tripura, there are two Technical Members, still serving in the State Commission, but there is no Chairperson at both the places, who must necessarily be a sitting or former Judge of the High Court;

- iii. In the State of Mizoram, there are about 82 complaints pending before the District Commission and 12 complaints/appeals pending before the State Commission. We are informed that there is a State Commission presided over by a Judicial Member, but all members, including the Chairperson are working only on a part-time basis;

- iv. In the State of Manipur, 123 complaints are pending before the District Commission, while there are 43 complaints/appeals pending before the State Commission;

- v. In the Union Territory of Lakshadweep, there are fewer than 10 cases currently pending at the Commission/Forum level and we are informed that the President of the Kerala State Consumer

Commission has been given additional charge of this region.
That arrangement seems to be perfectly in order;

- vi. In the Union Territory of Andaman and Nicobar Islands also there are 37 complaints statedly pending before the District Commission, whereas only 4 complaints/appeals are pending before the State Commission. We are also informed that the Registrar of the High Court of Calcutta, Port Blair Bench has been given additional charge of the District Commission. So far as the District Commission is concerned, even this arrangement is perfectly in order;
- vii. In the State of Goa, we are informed that there are 39 complaints/appeals pending before the State Commission and there is no President appointed, who qualifies the condition of being a sitting or former Judge of the High Court;

4. It may be seen that in most of the above-mentioned States, either there is no President of the State Commission possessing the pre-requisite qualification of being a sitting or former Judge of the High Court, or the Commission itself has not been established for want of sufficient cases. At the same time, a few complaints at the District Commission or such complaints/appeals, which are maintainable before the State Commission, are also pending in these States/UTs.

5. Consequently, with a view to ensure that the consumer

complaints or statutory appeals are not rendered otiose and that the complainants/appellants aren't left remediless, we deem it appropriate to issue the following directions by invoking our powers under Article 142 of the Constitution of India:

- i. The State Governments/Administrations of the above-stated States/UTs are directed to entrust the records of the complaints/appeals, currently pending before their respective State Commissions, to the Registrar Generals of their jurisdictional High Courts. This shall be done within a period of two weeks;
- ii. On receipt of the record of complaints/appeals, the Hon'ble Chief Justices of the concerned High Courts are requested to entrust such complaints/appeals to a learned Single Judge of the High Court, who, for the purposes of adjudication of such complaints/appeals, shall be deemed to be the Chairperson of the State Commission. The learned Single Judge will invite the other Technical Members, who are already functioning, to complete the forum and decide these complaints/appeals at the earliest and preferably within a period of three months;
- iii. If a party is aggrieved by the order passed by the learned Single Judge along with Technical Members in their capacity as a deemed State Commission, and approaches the National Consumer Disputes Redressal Commission ('National Commission'), we request the President of the National

Commission to entrust such matters to his own Bench; keeping in mind the fact that a sitting Judge of the High Court has decided the complaint/appeal acting as the Chairperson of the State Commission.

6. Some of the State counsel have pointed out that owing to the fact that there are only a few complaints pending before the District Commission or the State Commission, it has not been viable for them to constitute the State Commission or District Commissions comprising full-time members. They submit that the directions issued by this Court *vide* order dated 19.05.2025 have resulted in extreme financial burden on the State Exchequer, apart from also having a possible adverse effect/impact on the very constitution of the District Commission/State Commission. They further inform us that various States have filed their interlocutory applications seeking suitable modification in those directions.

7. Keeping in view the nature of these prayers, the Registry is directed to list all these applications on 26.02.2026 along with the main matters.

8. Needless to say, all the States/Union Territories will ensure that the composition of the State Commission/District Commission is strictly in conformity with the relevant Rules, which notably mandate the inclusion of a woman Member.

9. The State Governments/UT Administrations, where the pendency of the complaints/appeals is less than 1000, shall be at liberty to submit an alternative proposal for the purpose of providing a smooth alternative mechanism to the aggrieved consumers seeking

proper redressal of their grievances.

10. Interlocutory Application Nos.7905/2026 and 8180/2026 are, accordingly, disposed of.

11. We would also like to have the assistance of the Solicitor General of India in the matter.

12. Accordingly, the Registry is directed to inform the office of the learned Solicitor General regarding the same, along with a copy of the order dated 19.05.2025, especially with reference to the Model Rules circulated by the Central Government in exercise of its powers under Section 102(1) of the Consumer Protection Act, 2019.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR