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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 22nd November, 2022

+ **W.P.(C) 12490/2021**
 MOHAN PRASAD (SINCE DECEASED) THROUGH HIS LRS SH.
 YOGESH & ORS. Petitioners

Through: Mr. F.K. Jha and Mr. Gaurav Jha,
 Advocates. (M:9810055432)

versus

EMPLOYEES STATE INSURANCE
 CORPORATION & ANR. Respondents

Through: Mr. Sameer Vashisht and Mr.
 Satyakam, ASCs (Civil GNCTD)
 with Ms. Sanjana N, Advocate.
 (M:8287936603)

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. In the previous order dated 1st November, 2022, it was recorded by this Court that the pendency of consumer disputes before various District Consumer Disputes Redressal Fora (*hereinafter* “DCDRCs”) across Delhi is substantial, especially in matters where evidence has already been concluded and only final arguments are pending. The complete list of such matters pending for final arguments was extracted in the said order dated 1st November, 2022. Various other concerns that were raised in respect of hearings not being held regularly, *en-bloc* adjournments, lack of infrastructure facilities, etc., were also considered on the said date. Accordingly, the following directions were issued:

“5. It is also noted that the report states that there are a large number of matters pending for final arguments after conclusion of evidence. The details of the same are as under:

S. No.	Name of District	Pending Cases
1.	East	892
2.	South-I	468
3.	South-II	533
4.	North-East	272
5.	North-West	1210
6.	Central	459
7.	North District	502
8.	West	1500
9.	South-West	2827
10.	New Delhi	518

6. Besides this large pendency of matters even dating back to 2003 in some cases, submissions have been made by various counsels from time to time, regarding the irregularity in holding of hearings at the Consumer Fora, highlighting that the Consumer Fora adjourn matters in the cause list itself, give en-bloc dates, do not sit post 12/1 PM on most days, and do not hold physical hearings. These issues also seem to have been recorded in the inspection reports, placed by the worthy Registrar General. Considering the large pendency of hearing matters and lack of a uniform method of prioritization, to ensure expeditious disposal of such matters, especially where evidence has been concluded long ago, it is directed as under:

(a) Registrars of the concerned District Fora shall start listing final matters for hearing

at 2:30 pm on a daily basis, with effect from 14th November, 2022.

(b) The said matters shall be listed in a chronological manner, starting from the oldest cases first.

(d) Advance publication shall be made in the cause list so that the lawyers and litigants are duly informed.

(e) Monthly reports shall be submitted by the concerned Registrars, District Fora to the worthy Registrar General of the status of disposal of the final matters.

7. In the meantime, in view of the findings in the report, let a meeting be held in the Chamber of the worthy Registrar General for consideration of the following matters:

(a) Creation of a District Consumer Forum in Shahdara, which is the only district lacking a District Forum;

(b) Feasibility of change of nomenclature of DCDRC (South I) and DCDRC (South II), as per clause (ii) of paragraph 11 of the report extracted above.

(c) Provision of requisite infrastructure in all the District Fora, wherever the same is currently lacking.

(d) Feasibility and Modalities for creation of mediation cells at the relevant District Consumer Fora or creating arrangements with existing mediation centres for deputation of mediators on fixed days and times, while creation of permanent centres is underway.

8. The said meeting shall be attended by:

(a) President/member each of the District Consumer Disputes Redressal Fora in Delhi;

(b) Registrar, Delhi State Consumer Disputes Redressal Commission;

(c) Secretary, Ministry of Consumer Affairs,

Food & Public Distribution, GNCTD;

(d) Mr. Satyakam and Mr. Sameer Vashisht, Id. ASCs, GNCTD;

(e) Counsel(s) for the Petitioner;

(f) Officials of the team of worthy Registrar General, who had conducted inspection of various District Fora.”

3. Pursuant to the above order, the worthy Registrar General has filed his report dated 21 November, 2022. The report records that the meeting in terms of the said order dated 1st November, 2022 was held on 10th November, 2022 and was attended by the following persons:

1. Dr. Dilraj Kaur, Secretary, Department of Food Supplies and Consumer Affairs, Government of NCT of Delhi.
2. Mr. Kulanand Joshi, Special Secretary, Services Department, Government of NCT of Delhi
3. Mr. Satyakam, ASC (Civil), GNCTD.
4. Mr. Sameer Vashisht, ASC (Civil), GNCTD.
5. Ms. Divya Jyoti Jaipurkar, President North (Additional work of Central District), District Consumer Dispute Redressal Commission-I
6. Ms. Monika Shrivastava, President South-I (Additional charge of South-II), District Consumer Dispute Redressal Commission-II
7. Ms. Sonika Mehrotra, President West (Additional charge of South-West District), District Consumer Dispute Redressal Commission-III
8. Mr. Surinder Kumar Sharma, President North-East District, District Consumer Dispute Redressal Commission-IV
9. Ms. Poonam Chaudhary, President New Delhi District, District Consumer Dispute Redressal Commission-VI

10. Mr. Sukhvir Singh Malhotra, President East District, District Consumer Dispute Redressal Commission-IX
 11. Mr. S. Chakroborty, Registrar, Delhi State Consumer Dispute Redressal Commission
 12. Ms. Shahina, Member (Female) Central District, District Consumer Dispute Redressal Commission-V
 13. Ms. Nipur Chandna, Member (Female), District Consumer Dispute Redressal Commission-V, North West District
 14. Ms. Rashmi Bansal, Member South-11 District, District Consumer Dispute Redressal Commission
 15. Mr. Vinod Kumar, Assistant Director (Consumer Affairs)
 16. Mr. Janander Prasda, Section Officer (CA)
 17. Mr. F.K. Jha, Advocate
 18. Mr. Gaurav Jha, Advocate
 19. Mr. Shakeel Ahmad, Deputy Registrar (SCMS), Delhi High Court
4. The minutes of the said meeting have also been attached to the report. The report records the discussions regarding the various directions which were given in the previous order, as under:

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<i>Sub-Points under Point No.7</i>	<i>Details of matter</i>	<i>Status of the Department</i>
(a)	<i>Creation of a District Consumer Forum in Shahdara, which is the only district lacking a District Forum</i>	<i>As has already been informed that Food Supplies & Consumer Affairs Dept. has given consent for procurement of land at Patpargang for establishment of District</i>

		Commission(Shahdara) to DSIIDC. However, as discussed in the meeting this process may take approximately 1 ^{1/2} -2 years after getting possession of the land. However, till such time the Dept. will explore the possibility of establishment of District Commission Shahdara in a rented property. The Id. Counsel of the petitioner is also requested to suggest any property on rent basis from where District Commission Shahdara could be made functional.
(b)	Feasibility of change of nomenclature of DCDRC(South I) and DCDRC (South II) , as per clause (ii) of paragraph 11 of the report extracted above.	As discussed in the meeting, the nomenclature of DCDRC South I as District Commission South and DCDRC South II as District Commission South-East will be changed within a month
(c)	Provision of requisite infrastructure in all the District Fora, wherever the same is currently lacking.	i. All vacant posts of Presidents/Members in the District Commissions/State Commission have been filled up. ii. At present there are 24 posts of different categories which are vacant in District Commissions which will be filled up after the General election of MCD are over as the mode code of conduct is invoked in Delhi. iii. All the Hindi Stenos which are 6 in number and posted in different District Commissions will be replaced with the English Stenos after the General election of MCD are over. iv. As regards dedicated staff, Services Dept. who is the cadre controlling

		Dept., has assured that staff deployed for District Commissions and State Commission shall not normally be considered for transfer before three years tenure. v. Posts of technical nature like Joint Registrar, Stenos, Reader, Ahlmad, Nazir, Orderlies, etc. of ex-cadre dedicated staff may be got sanctioned from the Govt. A separate proposal with justification may be sent by all Presidents, District Commission to this office. vi. Infrastructure ; All basic amenities will be met out within the existing infrastructure as department is unable to provide additional space, hence, offices of all the District Commissions shall be got visited by the officers of the concerned departments like PWD Dept. etc to consider the functional requirement within the available space/building. All the Presidents are requested to cooperate with the officers so deployed
(d)	Feasibility and Modalities for creation of mediation cells at the relevant District Consumer for a for creating arrangements with existing mediation centres for deputation of mediators on fixed days and times, 1 while	As it has already been informed that this department has notified setting up of Mediation Cells in the State Commission and all the District Commissions. State Commission and District Commissions have been requested for setting up of Mediation Centre as per Chapter V of the Consumer Protection Act, 2019. In the meeting held on 10/11 /2022 it was told that space is the main constraint in the District Commissions for

	creation of permanent centres is underway.	establishment of mediation cells. In this connection, it is submitted that presently this Dept. is unable to provide any additional space, hence. District Commissions are requested to establish mediation cells within the available infrastructure. A possibility of availing the services of existing mediation cells operated under L&J Dept. (Delhi Disputes Resolution Society) may be explored as most of these mediation cells are in the vicinity of District Commissions. A letter dated 19/09/2022 written by Director, Delhi Disputes Resolution Society is also attached herewith in which request has been made to consider arranging for reference of pending Consumer complaints in the nearest District Commissions.
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District Consumer Disputes Redressal Forum in Shahdara

5. It is clear from the Minutes and the Report set out above that there is no consumer forum in Shahdara and the same needs to be established expeditiously. The GNCTD is now willing to explore the possibility of procurement of land at Patparganj for the said purpose. However, since the same may take some time, in the *interregnum*, the Food Supplies and Consumer Affairs Department, GNCTD (*hereinafter* “Consumer Affairs Dept.”) has agreed to explore the possibility of taking up a property on rent for establishment of the DCDRC, Shahdara. In view of this position, there is no doubt that the DCDRC, Shahdara, requires to be established expeditiously. For the said purpose, the GNCTD shall identify a suitable

property for rent, within the next two months and take such other steps as may be required towards the establishment of the said DCDRC. Meanwhile, let in-principle approvals of the GNCTD with regard to the property to be rented for the *interregnum* and the property to be procured for the long-term, be processed. Parallely, the GNCTD shall also take steps for appointment of the Members/President of the DCDRC, Shahdara. On both these aspects i.e., taking the property on rent and steps towards appointment of members/President for the DCDRC, Shahdara, the Secretary, Food Supplies and Consumer Affairs Department, GNCTD shall file a status report before the worthy Registrar General, Delhi High Court, one week before the next date of hearing.

Change of nomenclature

6. Insofar as the second issue of change in nomenclature of the DCDRC (South I) and DCDRC (South II) to District Commission South and District Commission South-East respectively is concerned, the notification/circular in respect of the same be issued within one month, as confirmed by the Consumer Affairs Dept.

Infrastructure and vacancies in the various Consumer Fora

7. Insofar as the issue of infrastructure and vacancies is concerned, the report records that the posts of Presidents/Members in all fora i.e., the DCDRC and the Delhi State Consumer Disputes Redressal Commission (*hereinafter "State Commission"*) have been filled up. The report also states that the other 24 posts of different categories are to be filled up after the MCD General Elections are over. Accordingly, let steps be taken for filling up of the 24 posts within four weeks after the lifting of the Model Code of Conduct.

8. In so far as appointment of stenographers is concerned, proper stenographers who are well-versed in the English language shall also be posted to the relevant DCDRCs/State Commission, within two weeks and thereafter the currently working Hindi stenographers shall be repatriated. It is also made clear that in future, it shall be ensured that the stenographers who are posted in the DCDRCs and State Commission, shall be those who are duly qualified in English shorthand and typing, so that the work of such fora is not impeded in any manner.

9. Insofar as the staff who are posted in the DCDRC and State Commission are concerned, in view of point number (iv) in paragraph c) of the report extracted above, it is directed that the staff who are deployed to the said fora, shall not be transferred before a period of 3 years. Moreover, the said staff would report to the Members/Presidents of the concerned DCDRC/State Commission, and a quarterly review report of such staff shall be sent by the concerned Member/President to the Services Department, GNCTD, which shall be taken into account to evaluate the performance of the staff.

10. Insofar as the creation of other posts such as Joint Registrars, Stenos, Readers, Ahalmads, *Nazirs*, Orderly etc. is concerned, let the Secretary, Consumer Affairs Dept., put up a status report before this Court, as to the manner and timelines for creation of posts and sanctions thereof. For the said status report to be prepared, the Secretary, Consumer Affairs Dept., shall consult the concerned Members/Presidents of the DCDRCs/State Commission.

11. Insofar as the other infrastructure requirements are concerned, the general view basis the report and discussions seems to be that there is a lack

of space in the premises of the various fora. Therefore, improvement in infrastructure and establishment of mediation centres, may require more efficient use of the space already available with the fora. For the said purpose, let one Superintending Engineer, PWD be identified by the Secretary PWD, within one week. Such Superintending Engineer shall constitute a team and inspect all the DCDRCs and the State Commission. The said team shall also consult the Presidents of all the District Fora and give suggestions for proper utilization of space and provision of better infrastructure. Let the said suggestions be placed in the form of a report by the said Superintending Engineer, before the worthy Registrar General, one week before the next date of hearing.

Creation of Mediation Cells

12. From the Minutes and the report it is also clear that there are no mediation cells in the Consumer Fora. The primary concern is of lack of space. Suggestions have been given by the GNCTD that the Delhi Dispute Resolution Society (*hereinafter "DDRS"*) has mediation centres allocated for its working, which are mostly adjacent to the various DCDRCs/State Commissions and may be used. The details of the said DDRS Mediation Centres and their locations are as under:

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Sr. No.	Mediation Centres
1	A-Block, Vikas Bhawan, Adjacent to State Consumer Dispute Redressal Commission, ITO, New Delhi- 110002.
2	M-Block, IIIrd Floor, Vikas Bhawan, Adjacent to Consumer Dispute Redressal Forum, ITO, New Delhi-110002,

3	419, Udyog Sadan, Patparganj Industrial Area, Delhi-110092
4	C-22 & 23, Udyog Sadan, Near Consumer Dispute Redressal Forum- II & X, GNCT of Delhi, Qutub institutional Area, Behind Qutub Hotel, Mehrauli, New Delhi-110016 ,
5	5/9, Under Hill Road, Adjacent to Delhi Transport Authority, Rajpur Road, Delhi-110054,
6	Parliament Street, Adjacent to Parliament Street Police Station, New Delhi-110001
7	I-Block, 1 st Floor, Near District Consumer Redressal Forum-IV, Office of the Deputy Commissioner of North East, Nand Nagri, Delhi-110093
8	Ambedkar Bhawan, IIIrd Floor, Sector-16, Rohini, Delhi-110085
9	A-Block, Community Centre, Jahangirpuri, Delhi-110033
10	DDA Flats, Kalkaji L-2 Block, (Near Rajiv Gandhi Park) New Delhi-110019
11	Mediation Clinic TDSAT Extn. Counter Parliament Street Samrat Hotel, Chankya Puri, New Delhi - 110021

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13. The Presidents/Members of the concerned DCDRCs and State Commission may, accordingly, inspect these premises and after considering the feasibility of utilising these centres, make arrangements for utilising the said Centres for commencing Mediation proceedings. The Secretary, Consumer Affairs Department, GNCTD shall provide the required assistance for the said purpose. In addition, the Chairperson of the State Commission shall, in consultation with the Presidents/Members of the DCDRCs, draw up a panel of Mediators, who have expertise in consumer

protection law and other relevant areas, so that mediation proceedings can be immediately commenced in the various DCDRCs/State Commission as well. In this regard, let a report be put up by the Registrar, State Consumer Disputes Redressal Commission to the worthy Registrar General, Delhi High Court, at least one week before the next date of hearing.

Final Hearing Matters

14. Insofar as the irregular holding of hearings before the various fora in final hearing matters, is concerned, Mr. Jha, Id. Counsel, submits that the cause lists are now being published for final hearing matters at 2.30pm everyday. However, initial hiccups in placing of files, preparation of paper books, etc. are yet to be resolved. The concerned Presidents/Members of the various DCDRCs and State Commission shall endeavor to commence final hearings in such matters, as directed in the order dated 1st November, 2022 on an early basis. **Let the updated data in respect of the final hearing matters being listed and taken up for disposal/disposed-of be collected by the Registrar, State Consumer Disputes Redressal Commission, who shall submit a report on this to the worthy Registrar General, Delhi High Court, one week before the next date of hearing.**

15. Various reports received by the worthy Registrar General shall be compiled by him and be placed before this Court, by the next date of hearing.

16. List on 23rd January, 2023.

PRATHIBA M. SINGH, J.

NOVEMBER 22, 2022/dk/ms