

State of Gujarat

Vs

Rajesh Kumar Chimanlal Barot and Another

Civil Appeal No. 10191 of 1996

(S. P. Bharucha, S. C. Sen JJ)

05.08.1996

ORDER

1. Delay condoned.
2. Leave granted.
3. The order under appeal is passed by the National Consumer Disputes Redressal Commission in first appeal against an order of the State Commission.
4. The order under appeal opens with these words :

"Although there is substantial force in the contention advanced by the learned Advocate General, Mr. Thakore, appearing on behalf of the appellant, that the question of pricing does not legitimately fall within the purview of adjudication by the Consumer Disputes Redressal Forums, regard being had to the peculiar facts and circumstances of the case where only a very small period of about 10 months is involved and the party concerned is a Gram Panchayat, which is claiming benefit of subsidised rate of 25 paise per unit in respect of electricity consumed by it for the supply of drinking water to its residents from a bore-well, we are not inclined to interfere with the order passed by the State Commission upholding the right of the Panchayat to the benefit of the said subsidy."

5. We find this very difficult to appreciate. If a court does not have jurisdiction, it does not have jurisdiction, regardless of the fact that one of the parties involved is a Gram Panchayat or the period involved is very short or the amount involved is very small. If a court does not have jurisdiction, it is the obligation of the appellate court so to hold and to set aside the order under appeal.
6. Having regard to the fact that the dispute did not "legitimately fall within the purview of adjudication by the Consumer Disputes Redressal Forums", the appeal is allowed, the order under appeal is set aside and the claim made by the respondents before the State Commission is dismissed.
7. There shall be no order as to costs.