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**HIGH COURT OF MADHYA PRADESH: JABALPUR**

Endt. No. **B/1469**

Jabalpur, dated: 15.03.2021

The copy of the Hon'ble Supreme Court order dated 22.02.2021 passed in **SMW (C) No.2/2021** titled as "**In Re: Inaction of the Governments in appointing President and Members/Staff of Districts and State Consumer Disputes Redressal Commission and inadequate Infrastructure across India Vs. Union of India & Ors.**", be forwarded to the following authorities :-

- (i) P.S. To Hon'ble Shri Justice Sujoy Paul, for placing the matter before His Lordship,
- (ii) The Principal Secretary, Law & Legislative Affairs Department, Govt. of M.P., Bhopal for information and appropriate action.
- (iii) Server Room (Computer) for making available in the official website of the High Court under the hyperlink circular/orders etc. in compliance of the orders of Registrar General dated 01.03.2018 and endt. No.Reg(IT)/SA/2018/368 dated 01.03.2018.

*o/c*

  
15.3.21  
(NARSINGH BAGHEL)  
REGISTRAR (I & L)

All Communications Should be Addressed  
to Registrar by Designation and not by  
Name:  
Pin Code - 110001

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D. No. 28904/2020 /SEC-PIL-W  
SUPREME COURT OF INDIA  
NEW DELHI  
24th February, 2021

**From:**

The Assistant Registrar,  
Supreme Court of India, New Delhi.

**To,**

- 1 THE REGISTRAR GENERAL,  
HIGH COURT OF ANDHRA PRADESH PID: 26176/2021 IN SMW(C)  
AT AMRAVATI, NO.2/2021 (SEC PIL-W)  
ANDHRA PRADESH-522237.
- 2 THE REGISTRAR GENERAL,  
HIGH COURT FOR THE STATE OF PID: 26177/2021 IN SMW(C)  
TELANGANA NO.2/2021 (SEC PIL-W)  
AT HYDERABAD-  
500066, TELANGANA
- 3 THE REGISTRAR GENERAL, PID: 26178/2021 IN SMW(C)  
GAUHATI HIGH COURT, NO.2/2021 (SEC PIL-W)  
GUWAHATI-781001, ASSAM
- 4 THE REGISTRAR GENERAL, PID: 26179/2021 IN SMW(C)  
HIGH COURT OF JUDICATURE AT NO.2/2021 (SEC PIL-W)  
PATNA,  
JAWAHARLAL NEHRU MARG,  
VEERCHAND PATEL ROAD,  
PATNA-800028, BIHAR.
- 5 THE REGISTRAR GENERAL, PID: 26180/2021 IN SMW(C)  
HIGH COURT OF JUDICATURE AT NO.2/2021 (SEC PIL-W)  
BOMBAY,  
MUMBAI-400001, MAHARASHTRA
- 6 THE REGISTRAR GENERAL, PID: 26181/2021 IN SMW(C)  
HIGH COURT OF CHHATISGARH AT NO.2/2021 (SEC PIL-W)  
BILASPUR,  
BILASPUR, CHHATTISGARH-495220.
- 7 THE REGISTRAR GENERAL, PID: 26182/2021 IN SMW(C)  
HIGH COURT OF DELHI AT NEW NO.2/2021 (SEC PIL-W)  
DELHI,  
NEW DELHI-110503.
- 8 THE REGISTRAR GENERAL,

HIGH COURT OF GUJARAT AT  
AHMEDABAD,  
AHMEDABAD-380060, GUJARAT

PID: 26183/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

9 THE REGISTRAR GENERAL,  
HIGH COURT OF HIMACHAL  
PRADESH AT SHIMLA,  
SHIMLA-171001, HIMACHAL  
PRADESH

PID: 26184/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

10 THE REGISTRAR GENERAL,  
HIGH COURT OF JAMMU AND  
KASHMIR  
NOOR BAGH, HIGH COURT LN,  
SHAHEED GUNJ,  
SRINAGAR-190009, JAMMU &  
KASHMIR

PID: 26185/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

11 THE REGISTRAR GENERAL,  
HIGH COURT OF JHARKHAND AT  
RANCHI,  
RANCHI-834033, JHARKHAND

PID: 26186/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

12 THE REGISTRAR GENERAL,  
HIGH COURT OF KARNATAKA AT  
BENGALURU,  
OPPOSITE VIDHANA SOUDHA,  
BANGALORE-560001, KARNATAKA

PID: 26187/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

13 THE REGISTRAR GENERAL,  
HIGH COURT OF KERALA AT  
ERNAKULAM,  
ERNAKULAM, KERALA-682031.

PID: 26188/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

14 THE REGISTRAR GENERAL,  
HIGH COURT OF M.P PRINCIPAL  
SEAT AT JABALPUR,  
JABALPUR, MADHYA PRADESH-  
482001.

PID: 26189/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

15 THE REGISTRAR GENERAL,  
HIGH COURT OF ORISSA AT  
CUTTACK,  
CUTTACK, ORISSA-753002.

PID: 26190/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

16 THE REGISTRAR GENERAL,  
HIGH COURT OF PUNJAB &  
HARYANA AT  
CHANDIGARH, SECTOR-1,  
CHANDIGARH.

PID: 26191/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

High Court of Madhya Pradesh  
JABALPUR

14 MAR 2021

Reg No. 448  
Receipt Clerk  
High Court Jabalpur

DAA  
1331

- 21
- 17 THE REGISTRAR GENERAL,  
HIGH COURT OF JUDICATURE FOR  
RAJASTHAN AT JODHPUR,  
JODHPUR, RAJASTHAN-342005. PID: 26192/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 18 THE REGISTRAR GENERAL,  
HIGH COURT OF SIKKIM AT  
GANGTOK,  
EAST SIKKIM-737101. PID: 26193/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 19 THE REGISTRAR GENERAL,  
HIGH COURT OF JUDICATURE AT  
MADRAS AT CHENNAI,  
CHENNAI, TAMIL NADU-600104. PID: 26194/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 20 THE REGISTRAR GENERAL,  
HIGH COURT OF JUDICATURE AT  
ALLAHABAD,  
ALLAHABAD, UTTAR PRADESH-  
211017 PID: 26195/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 21 THE REGISTRAR GENERAL,  
HIGH COURT OF UTTARAKHAND AT  
NAINITAL,  
NAINITAL, UTTARAKHAND-263002 PID: 26196/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 22 THE REGISTRAR GENERAL,  
HIGH COURT AT CALCUTTA,  
3, ESPLANADE ROW WEST  
KOLKATA,  
WEST BENGAL-700001. PID: 26197/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 23 THE REGISTRAR GENERAL,  
HIGH COURT OF MANIPUR AT  
IMPHAL,  
IMPHAL, MANTRIPUKHRI-795002. PID: 26198/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 24 THE REGISTRAR GENERAL,  
HIGH COURT OF MEGHALAYA,  
SHILLONG-793001, MEGHALAYA PID: 26199/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)
- 25 THE REGISTRAR GENERAL,  
HIGH COURT OF TRIPURA,  
CAPITAL COMPLEX,  
AGARTALA, TRIPURA-799010. PID: 26200/2021 IN SMW(C)  
NO.2/2021 (SEC PIL-W)

SUO MOTO WRIT PETITION(CIVIL) No. 2 OF 2021

In RE: Inaction of the Governments in . . . VERSUS . . .

appointing President and Members/Staff of Districts and State Consumer Disputes Redressal Commission and inadequate infrastructure across India

Petitioner(s)/Appellant(s)

Union of India and ors. AND OTHERS

... Respondent(s)

Sir,

I am directed to forward herewith for your information and necessary action a certified copy of Record of Proceedings dated **22nd February, 2021** of this Hon'ble Court passed in the matter above mentioned.

You are requested to place the same before Hon'ble The Chief Justice of respective High Court for kind perusal.

Please acknowledge receipt.

Yours faithfully,

  
24-2-21  
ASSISTANT REGISTRAR

ITEM NO.34

Court 9 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SMW [C] No.2/2021

In RE: Inaction of the Governments  
in appointing President and Members/  
Staff of Districts and State Consumer  
Disputes Redressal Commission and  
inadequate infrastructure across India

Petitioner(s)

VERSUS

Union of India &amp; ORS.

Respondent(s)

(MR. GOPAL SHANKARANARAYAN, LEARNED SENIOR ADVOCATE ALONGWITH MR.  
ADITYA NARAIN, LEARNED ADVOCATE IS AMICUS IN INSTANT MATTER. )

Date : 22-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE HEMANT GUPTA

Mr. Gopal Shankarnarayan, Sr. Adv.[A.C.]  
Mr. Aditya Narayan, Adv.[A.C.]  
Ms. Prerna Priyadarshini, Adv.

Mr. Aditya Narain, AC  
Mr. Arnav Narain, AOR  
Ms. Anushree Narain, Adv.  
Mr. Arjun Jain, Adv.  
Mr. Mishra Raj Shekhar, Adv.

Ms. Aishwarya Dobhal, Adv.  
Mr. Hilar Haider, Adv.  
Ms. Purvi Sinha, Adv.  
Ms. Hemlata Rawat, Adv.,  
Mr. Aayushmaan Vatsyayana, Adv.

For Petitioner(s) Mr. Omprakash Ajitsingh Parihar, AOR  
Mr. Dushyant Tiwari, Adv.  
Mr. Yudhvir Dalal, Adv..

Ms. Prerna Priyadarshini, AOR

For Respondent(s) Mr. Aman Lekhi, ASG  
Mr. B.K. Satija, Advocate  
Ms. Neetu Kedar Gokhele, Advocate  
Ms. Annupama Chaturvedi, Adv.  
Mr. B.V. Balram Das, Advocate

Certified to be true copy  
S. Narayan Bal  
24/2/2021  
Assistant Registrar (Jud.)  
Supreme Court of India

922902

Rajasthan	Dr. Manish Singhvi, Sr. Adv. Mr. Sandeep Kumar Jha, Adv.
Tripura	Mr. Shuvodeep Roy, AOR Mr. Kabir Shankar Bose, Adv.
A.P.	Mr. Mahfooz A. Nazki, AOR Mr. Polanki Gowtham, Adv, Mr. Shaik Mohamad Haneef, Adv. Mr. T. Vijaya Bhaskar Reddy, Adv. Mr. Amitabh Sinha, Adv. Mr. Shrey Sharma, Adv.
Uttarakhand	Mr. J.K. Sethi, Dy. AG Mr. Rajeev Kumar Dubey, Adv. Mr. Ashiwan Mishra, Adv. Mr. Kamlendra Mishra, Adv.
Meghalaya	Mr. Avijit Mani Tripathi, AOR Ms. Tarini K. Nayak, Adv. Mr. P.S. Negi, Adv.  Mr. Raj Bahadur Yadav, AOR
Assam	Mr. Nalin Kohli, AAG Ms. Diksha Rai, Adv. Mr. Ankit Roy, Adv. Ms. Palak Mahajan, Adv.
U.P.	Mr. V. Shekhar, Sr. Adv. Mr. Ankur Prakash, AOR Mr. Amit Yadav, Adv.
Himachal Pradesh	Mr. Vikas Mahajan, Addl. AG Mr. Vivek Mahajan, Adv. Mr. Vinod Sharma, AOR Mr. Anil Kumar, Adv. Mr. Binod Kumar Singh, Adv.
Maharashtra	Mr. Rahul Chitnis, Adv. Mr. Sachin Patil, AOR Mr. Aaditya a. Pande, Adv. Mr. Geo Joseph, Adv.
Bihar	Mr. Harpreet Singh Gupta, Adv. Mr. Manish Kumar, AOR
Gujarat	Ms. Deepanwita Priyanka, AOR Mr. Satyalipsu Ray, Adv.
Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv.

M.P. Mr. Gopal Jha, AOR  
Mr. Shreyash Bhardwaj, Adv.

Mizoram Mr. Siddesh Kotwal, Adv.  
Mr. Divyansh Tiwari, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Manya Hasija, Adv.  
Mr. Nirnimesh Dube, AOR

Haryana Mr. Anil Grover, Sr. AAG  
Ms. Noopur Singhal, Adv.  
Mr. Rahul Khurana, Adv.  
Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, Adv.  
  
Mr. Kiran Kumar Patra, AOR

Punjab Ms. Uttara Babbar, AOR  
Mr. Manan Bansal, Adv.

Chandigarh Mr. Gurider Singh Gill, Sr. Adv.  
Ms. Aashna Gill, Adv.  
Mr. Pratap Singh Gill, Adv.  
Ms. Bhupinder, Adv.  
Ms. Vandana Hooda, Adv.  
Mr. P.P. Nayak, Adv.  
Mr. Kuldeep Singh Kuchaliya, Adv.  
Mr. Ajay Pal, AOR

R-26 Mr. Sameer Abhyankar, AOR  
Mr. Amish Tandon, Adv.  
Mr. Nalin Talwar, Adv.  
Mr. Ayush Beotra, Adv.  
Mr. Varun Tandon, Adv.  
Mr. Dipin Tamang, Adv.

Puducherry Mr. V. G. Pragasam, AOR  
Mr. S. Prabhu Ramasubramanian, Adv.  
  
Mr. Arjun Mitra, Adv.  
Mr. Rishi Raj Sharma, Adv.  
  
Mr. Namit Saxena, Adv.  
Mr. Awnish Maithani, Adv.  
Ms. Somya Goswami, Adv.

Andaman & Nicobar Islands Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, Adv.

Delhi Mr. Chirag M. Shroff, Adv.  
Ms. Abhilasha Bharti, Adv.  
Mr. Sushant Dogra, Adv.

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

We have heard both the learned Amicus Curiae and Mr. Aman Lekhi, learned ASG. We have also perused the material placed before us as compilation of relevant documents.

We may note that in the information regarding vacancy position in State Commission and District Forums as taken from the website of the National Consumer Disputes Redressal Commission (National Commission), the position is reflected as on 30.11.2020. The surprising part is that the position vis-a-vis different States is anterior in time i.e. in some States it is updated to October, 2020, while in some States it is as far back as 2014. This is something which cannot be countenanced as the States should be upgrading and informing the National Commission website about the vacancy position existing as on date, more so, in view of Section 17(1)(d) of the Consumer Protection Act, 2019 which assigns the task of overseeing the issue of functioning of the State Commissions and District Commissions to the National Commission.

In view of the submissions made, we call upon the Union of India and State Governments to respond on the following aspects:

- 1) Information regarding vacancy positions should be sent by all States to the National Commission within two weeks. This information should give the position as on 1<sup>st</sup> of March , 2021 and should also specify the vacancies which are going to arise in the next six months from that date. The updated information should be thereafter uploaded on

the website of the National Commission.

- 2) In view of the new Act of 2019, some of the States have notified the amended Rules for recruitment while others have not. Insofar as the States who have not notified the Rules, they should indicate the time period within which the new Rules will come into force.
- 3) The States which have notified the Rules should inform as to within how much time will process for all the existing and prospective vacancies for a period of six months will be completed. This information should also be furnished by the States which have not framed the Rules by specifying the time period within which the rules will be framed (as aforesaid) and the time period within which thereafter their selection process will be completed.
- 4) The Central Government to inform whether any legislative impact study was completed before bringing in the new Act of 2019 and to place the said study before this Court.
- 5) The new Act expands the jurisdiction of the Consumer forums to many new areas and thus, logically a legislative impact study ought to have been completed keeping in mind the litigation which will shift in the subjects added to the jurisdiction of the Consumer Tribunals.

- 6) There is also a shifting of pecuniary jurisdiction by increasing the jurisdiction of the District and State Forum. This would result in transfer of a large number of cases to these two foras. Thus, the legislative impact study ought to have taken this into consideration as to what are cases which are likely to be shifted.
- 7) The two aforesaid aspects should have formed a part of the legislative impact study to see as to what are the quantum of cases the Tribunals at different levels will be faced with not only now but in the reasonable time frame for the future.
- 8) There should have been analysis both at the State level and the National level of the number of foras which are required to deal with the increase in the financial jurisdiction and the expanded legal area of jurisdiction.
- 9) We are also informed that in some of the State where rules have been notified there are problem of composition of the selection committee as the committee has to be chaired by the Chief Justice or his nominee. It is stated that at least in the States of Bihar and Uttarakhand the nomination by the Chief Justice is awaited. We are sure that in all States the respective Chief Justices will take care of the situation where a request has been so made.

- 10) There is also an issue of appropriate infrastructures. These are Consumer friendly institutions which have to deal with public. There should be not only sufficient number of presiding officers but support staff for the presiding officers which will include proper Court rooms, supporting staff, stenographers etc. and facilities for the incoming public and lawyers who attend to these proceedings.
- 11) We also call upon the States to file with their reports, the photographs of the existing infrastructure.
- 12) Learned Amicus have pointed out that they have annexed a questionnaire dealing with both the vacancy position and infrastructure which would facilitate them to analyze the same. He submits that this questionnaire can be a further tweaked in view of the orders passed today and the needful will be done and circulated to the State and the Union Government within a period of one week from today so that they respond accordingly as per the questionnaire.
- 13) We may notice that insofar as the National Commission is concerned, learned ASG submits that endeavour has been in progress to fill up the six vacancies and the matter is with the ACC. On our query, we are told that it is with the ACC

from July, 2020! This is hardly expected at the apex level as it creates a cascading effect down which does not speak well of the institution. We expect due care to be taken in this behalf so that at least these vacancies are filled up by the time we take up these proceedings on the next date.

We expect the States to file their responses within three weeks of the questionnaire being circulated along with their relevant affidavits.

List on 12.04.2021.

Copies of the order be released dasti to all the State counsels and if their Vakalatnama is not filed, be sent to the Chief Secretaries of the respective States. A copy of this order be also forwarded to the National Consumer Disputes Redressal Commission forthwith.

*Ash Sundriyal*  
23/4/2021  
(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS

*Poonam Vaid*  
23/4/2021  
(POONAM VAID)  
COURT MASTER (NSH)

