

**\*THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA  
AND**

**\*THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

**+ WRIT PETITION No.32889 OF 2025**

% 10-12-2025

# The Branch Manager, Canara Bank,  
Sainikpuri-II, Medchal-Malkajgiri District,  
Rep. by its Authorised Person and Another

...Petitioners

vs.

\$ Srivini Anand Bhaskar Naidu and Another

... Respondents

!Counsel for the Petitioners: Mr.Manav Gecil Thomas

^Counsel for Respondents: Mr. Akhil Ennemshetty, learned  
counsel representing M/s. Jurislit  
Law LLP appearing for the  
respondent No.1

<Gist :

>Head Note :

? Cases referred

1. RP.No.1879 of 2024, dated 20.01.2025
2. (2020) 5 SCC 757
3. (2022) 4 SCC 169
4. MANU/SC/1160/2024
5. RP.No.SC/19/RP/143/2024, dated 18.07.2025
6. W.P.No.34050 of 2024, dated 17.06.2025
7. Civil Appeal No.8176 of 2022, dated 22.07.2024
8. (2021) 3 SCC 669
9. MANU/QI/0060/2025
10. MANU/CF/0068/2023
11. (1954) 1 SCC 905
12. (1922) 2 AC 128 (PC)
13. (1954) 2 SCC 881
14. (2023) 16 SCC 462

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD**

**THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA  
AND  
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR**

**WRIT PETITION No.32889 OF 2025**

**DATE: 10.12.2025**

**Between:**

The Branch Manager, Canara Bank,  
Sainikpuri-II, Medchal-Malkajgiri District,  
Rep. by its Authorised Person and Another

**.....Petitioners**

**AND**

Srivini Anand Bhaskar Naidu and Another

**.....Respondents**

Mr. Manav Gecil Thomas, learned counsel appearing for the petitioners.

Mr. Akhil Ennemshetty, learned counsel representing M/S. Jurislit Law LLP appearing for the respondent No.1.

**ORDER:** (Per Hon'ble Justice Moushumi Bhattacharya)

1. The Writ Petitioner has assailed an order dated 23.10.2025 passed by the Telangana State Consumer Disputes Redressal Commission at Hyderabad ("State Commission") in R.P.No.60 of 2025 filed by the petitioners herein. The said RP was filed under Section 47(1)(b) of The Consumer Protection Act, 2019 ("2019 Act") for setting aside an order dated 08.09.2025 in I.A.No.236 of 2025 in C.C.No.110 of 2025 passed by the District Consumer

Disputes Redressal Commission-I at Hyderabad (“District Commission”).

2. By the order dated 08.09.2025, the District Commission dismissed I.A.No.236 of 2025 filed by the petitioners for setting aside a docket order dated 07.07.2025 in C.C.No.110 of 2025 by which the right of the petitioners/Opposite Parties to file a Written Version was forfeited.

3. The petitioners herein are the Opposite Parties in C.C.No.110 of 2025 filed by the respondent No.1 in the Writ Petition.

4. Learned counsel appearing for the petitioners submits that the Court should set aside the impugned order dated 23.10.2025 passed by the State Commission and direct the State Commission to accept the Written Version of the petitioners in the main Complaint Case i.e., C.C.No.110 of 2025. Counsel submits that the petitioners do not have an alternative remedy against the impugned order since a second revision against the said order would not lie before the National Consumer Disputes Redressal Commission, New Delhi (“National Commission”) as decided by the said Commission in *Vivo Mobile India Pvt. Ltd. v.*

*Smt. Mavuram Sujatha*<sup>1</sup>. Counsel further submits that the Writ Court can exercise its extraordinary jurisdiction under Article 226 of the Constitution to do substantial justice to the parties. Counsel highlights the harsh consequences of foreclosing the petitioners' right to file the Written Version with a delay of only forty-two days.

5. Learned counsel appearing for the respondent No.1 argues on the maintainability of the Writ Petition and urges that the Writ Petition should be dismissed as it does not satisfy the threshold requirement for issuance of a Writ of Certiorari. Counsel argues that there was a wilful lack of diligence on the part of the petitioners as they chose not to appear before the District Commission within the stipulated time despite receiving notices as well as the Complaint. Counsel seeks to rely on section 13 of the Consumer Protection Act, 1986 ("1986 Act") which is replicated in section 38 of the 2019 Act to submit that the District Commission does not have any power to extend the time for filing the Written Version beyond the period of fifteen days in addition to thirty days.

6. We have heard learned counsel appearing for the parties and considered the material placed on record.

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<sup>1</sup> RP.No.1879 of 2024, dated 20.01.2025

7. The challenge in the Writ Petition is to the order dated 23.10.2025 passed by the State Commission which is dismissed the Revision Petition filed by the Writ Petitioners. The State Commission confirmed the docket order dated 07.07.2025 of the District Commission forfeiting the petitioners' right to file Written Version to C.C.No.110 of 2025.

8. A brief chronology of events is given below:

- i. The incident forming the basis of the Complaint took place on 02.05.2024.
- ii. The Complainant lodged an FIR in the local Police Station on the same day.
- iii. The Complainant also filed a Complaint before the Reserve Bank of India Ombudsman on 26.09.2024. The Reserve Bank of India Ombudsman passed a summary order on 04.02.2025.
- iv. A further notice was given to the petitioners/Opposite Parties on 20.03.2025.
- v. The respondent No.1 filed the Complaint/C.C.No.110 of 2025 in the District Commission on 08.05.2025.
- vi. Notice of the Complainant was served on the petitioners on 23.05.2025.

- vii. The right of the petitioners to file Written Version was forfeited on the 45<sup>th</sup> day i.e., on 07.07.2025.
  - viii. The petitioners filed I.A.No.236 of 2025 on 19.08.2025.
  - ix. The District Commission dismissed I.A.No.236 of 2025 on 08.09.2025.
  - x. The petitioners filed a Revision Petition No.60 of 2025 before the State Commission on 13.10.2025 which was dismissed on 23.10.2025.
  - xi. The petitioners filed the present Writ Petition on 28.10.2025.
9. The relevant provisions which are applicable to the present facts are as follows:
- i. Section 38 (3)(a) of The Consumer Protection Act, 2019 requires the District Commission, on admitting the Complaint, to refer a copy of such Complaint to the Opposite Party directing the Opposite Party to give his version of the case within thirty days or such extended period, not exceeding fifteen days, as may be granted by the District Commission. Section 38 (3)(b) provides that if the Opposite Party, on receipt of a copy of the Complaint, referred to him under Clause (a), denies or disputes the allegations contained in the Complaint or omits or fails to

take any action to represent his case within the time given by the District Commission, (i) the District Commission shall proceed to settle the consumer dispute on the basis of evidence brought to its notice by the Complainant and the Opposite Party if the Opposite Party denies or disputes the allegations contained in the Complaint (section 38 (3)(b)(i)), (ii) or settle the consumer dispute *ex parte* on the basis of evidence brought to its notice by the Complainant where the Opposite Party omits or fails to take any action to represent his case within the time given by the Commission (section 38 (3)(b)(ii)) or (iii) decide the Complaint on merits if the Complainant fails to appear on the date of hearing (section 38 (3)(c)).

- ii. Section 38 (5) of the 2019 Act stipulates that no proceedings complying with the procedure laid down in sub-sections (2) and (3) of section 38 shall be called in question in any Court on the ground of breach of the principles of natural justice. Section 38 (7) provides that every Complaint shall be disposed of as expeditiously as possible and endeavour shall be made to decide the Complaint within three months from the date of receipt of notice by the Opposite Party where the Complaint does not

require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.

iii. The *proviso* to section 38(7) prohibits granting of an adjournment by the District Commission unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Commission. The third *proviso* to Section 38(7) states that where the Complaint is disposed of after the period specified under section 38(7), the District Commission shall record the reasons for the same in writing at the time of disposing of the said Complaint.

10. The narration of the provisions is to emphasize the statutory obligation of the District Commission to dispose of Complaints, as expeditiously as possible, without granting adjournments and within a specified time frame.

11. Section 38 (3)(a) of the 2019 Act specifically deals with the time frame contemplated for filing the Written Version (akin to a Written Statement in a Suit) by the Opposite Party. The stipulated time frame is thirty days + fifteen days. Hence, the maximum time within which an Opposite Party may file the Written Version is forty-five days.

12. A reading of section 38 (3)(a) of the 2019 Act would show that the discretion given to the District Commission for extending the time period only relates to the grant of additional time upto fifteen days after the first cut-off limit of thirty days. The rigour of the limitation period provided for filing of Written Version, as stated above, harks back to section 13 (2)(a) of The Consumer Protection Act, 1986, which also provided a maximum cut-off period of thirty days + fifteen days = forty-five days for filing the Written Version.

13. The present case is governed by the 2019 Act since both the incident as well as the Complaint took place/was filed in 2024/2025. The question whether the time stipulated for filing of the Written Version could be extended under section 13 (2)(a) of the 1986 Act was decided and settled by a Constitution Bench of the Supreme Court in *New India Assurance Company Limited v. Hilli Multipurpose Cold Storage Private Limited*<sup>2</sup>. The Supreme Court held that the 1986 Act does not intend granting time beyond forty-five days for the Opposite Party to file its response as the time frame has to be read as mandatory.

14. As stated above, section 38 (3)(a) of the 2019 Act replicates section 13 (2)(a) of the 1986 Act. Further, the very fact that

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<sup>2</sup> (2020) 5 SCC 757

section 38 (5) of the 2019 Act prohibits the filing of proceedings in a Court on the ground of breach of the principles of natural justice where the District Commission has complied with the procedure laid down in sub-sections (2) and (3) of section 38 of the 2019 Act, would reinforce the Legislative intent of treating the outer limit of forty-five days for filing the Written Version as mandatory and final. The other provisions referred to above including section 38 (7) and the first and third *provisos* thereto would reinforce that the 2019 Act intended the expeditious disposal of Consumer Complaints.

15. The inevitable picture which emerges from section 38 and the sub-sections thereunder of the 2019 Act is that an Opposite Party cannot claim a vested right to file his/her Written Version beyond the time contemplated under section 38 (3)(a) of the 2019 Act. The Opposite Party cannot also approach a Court, including by way of a Writ Petition under Article 226 of the Constitution of India, to complain of any grave or irreparable prejudice by reason of forfeiture of the right to file Written Version. The alleged unreasonableness of the action of the statutory body must be based on the particular facts of the case and whether the Opposite Party was unfairly deprived of its right to file Written

Version despite having a right to do so within the time limit under section 38 (3)(a).

16. In the present case, the docket order dated 07.07.2025, which forms the subject-matter of the impugned order of the State Commission, reflects that the Opposite Parties (writ petitioners) were not represented despite receiving notice on 23.05.2025 and that the forty-fifth day to file the Written Version expired on 07.07.2025. The District Commission accordingly forfeited the right of the Opposite Parties to file their Written Version.

17. The order passed by the District Commission in I.A.No.236 of 2025 filed by the writ petitioners for setting aside the docket order dated 07.07.2025 also states that the Commission does not have jurisdiction or any power to accept the Written Version beyond the period of forty-five days. The order of the District Commission dated 08.09.2025 records that the notices sent from the Commission were served on the Opposite Parties (Writ Petitioners) on 23.05.2025. The first date for hearing of the Consumer Complaint was fixed on 16.06.2025 and the Opposite Parties failed to appear on that date. The matter was thereafter posted to 23.06.2025 for appearance and Written Version of the Opposite Parties. The thirty days statutory period for filing of the

Written Version expired on 21.06.2025 and the matter was again posted on 23.06.2025. The Opposite Parties however failed to appear on 23.06.2025 and the District Commission extended the period for filing of Written Version for another fifteen days and the matter was posted on 07.07.2025. The Opposite Parties again failed to appear on 07.07.2025, i.e., the 45<sup>th</sup> day. The District Commission accordingly forfeited the right of the Opposite Parties to file Written Version. The order records that the Opposite Parties appeared through their counsel for the first time on 19.08.2025 and filed I.A.No.236 of 2025 for setting aside the docket order dated 07.07.2025.

18. The contention of the petitioners/Opposite Parties that the delay in filing the Written Version is only forty-two days and therefore the same should be condoned is without any statutory basis. Section 38(3)(a) of the 2019 Act cannot be straight-jacketed only to apply to the District Commission and not to the State or National Commission. Section 38(3)(a) mentions the District Commission since that is the first forum for admission of a complaint. It would be against a reasonable construction to that of section 38(3)(a) is confined only to the District Commission and not to the State Commission. Such a

construction would also do disservice to the object of the Act, namely, the quick disposal of Consumer Complaints.

19. Hence, the decision in *Hilli Multipurpose Cold Storage Private Limited* (supra) holding that the District Commission has no jurisdiction to extend the time for filing the response to the Complaint beyond forty-five days under the 1986 Act would equally apply to the State Commission under the 2019 Act. Moreover, the Supreme Court therein held that the District Commission does not have the power to extend the time period. In the present case, the first decision taken by the District Commission by way of the docket order dated 07.07.2025 was confirmed by the District Commission on 08.09.2025. The State Commission only exercised its revisional powers. The decision cited on behalf of the petitioners is thus distinguishable on facts.

20. In *Diamond Exports v. United India Insurance Co. Ltd.*<sup>3</sup>, the Supreme Court affirmed the condonation of the delay of 100 days by the National Commission as the same had been decided was before the judgment in *Hilli Multipurpose Cold Storage Private Limited* (supra) which had been given prospective effect thereto. *Ricardo Constructions Pvt. Ltd. v. Ravi Kuckian*<sup>4</sup> involved a case

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<sup>3</sup> (2022) 4 SCC 169

<sup>4</sup> MANU/SC/1160/2024

wherein the Opposite Party was not in receipt of the Complaint. Hence, the limitation of forty-five days period therein could not be calculated from the date of receipt of the notice as was held in *Hilli Multipurpose Cold Storage Private Limited* (supra), namely, the date of receipt of the notice accompanied with the Complaint by the Opposite Party would be the starting point of limitation and not mere receipt of the notice of the Complaint.

21. The decision of the State Consumer Disputes Redressal Commission, West Bengal, in *Vodafone Idea Ltd. v. Suraj Maity*<sup>5</sup> involved a peculiar set of facts in light of an extraordinary situation prevailing in the city of Kolkata on 27.08.2024 in the aftermath of an incident in the R.G. Kar Hospital, Kolkata. The State Commission, West Bengal, hence allowed the Opposite Party to file the Written Version with costs. Moreover, in that case, the Opposite Party had been set *ex parte* on 27.08.2024 despite the resolution of the local Bar Association requesting the Courts not to pass any adverse orders on that particular date.

22. The decision of a Co-ordinate Bench of this Court in *The Managing Director, Nath Seeds Company Ltd. v. T.Dada Rao*<sup>6</sup> involved a condonation of delay in respect of filing an appeal

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<sup>5</sup> RP.No.SC/19/RP/143/2024, dated 18.07.2025

<sup>6</sup> W.P.No.34050 of 2024, dated 17.06.2025

before the State Commission and not in respect of filing of a Written Version in the original proceedings before the District Commission.

23. The decision of the Supreme Court in *Kaushik Narsinhbhai Patel v. M/s. S.J.R. Prime Corporation Private Limited*<sup>7</sup> dealt with the consequence of the failure to file a Written Version to emphasize that the Opposite Party would not be disentitled from participating in further proceedings even if the Opposite Party failed to file its Written Version, but this would not extend to bringing in pleadings and evidence indirectly.

24. The decision of the Supreme Court in *Daddy's Builders Pvt. Ltd. v. Manisha Bhargava*<sup>8</sup> is wholly against the petitioners on facts. The Supreme Court therein agreed with the view taken by the National Commission that there was no mandate to take a Written Statement, which was filed beyond the stipulated period of forty-five days, on record. The Supreme Court considered the Constitution Bench decision in *Hilli Multipurpose Cold Storage Private Limited* (supra) and reiterated that Consumer Fora have no jurisdiction or power to accept the Written Statement (Written Version) beyond the period of forty-five days.

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<sup>7</sup> Civil Appeal No.8176 of 2022, dated 22.07.2024

<sup>8</sup> (2021) 3 SCC 669

25. *T.K. Elevator India Pvt. Ltd. v. NEO Convent Sr. Sec. School (Minority)*<sup>9</sup> of the Delhi State Consumer Disputes Redressal Commission involved totally different facts. The Written Version was filed by the Opposite Party on the 42<sup>nd</sup> day i.e., twelve days after the thirty day period, which was permissible under Section 38(2)(a) of the 2019 Act. The application seeking condonation of delay was however filed ninety-three days thereafter which resulted in the District Commission dismissing the application. The Delhi State Commission directed the District Commission to take the Written Statement on record since the Written Version had been filed within the statutory time frame.

26. Notably, in the present case, the petitioners/Opposite Parties had filed their Written Version along with the condonation of delay application on 19.08.2025 i.e., on the 87<sup>th</sup> day. Therefore, *T.K. Elevator India Pvt. Ltd.* (supra) is of no help to the petitioners.

27. *IFFCO-Tokio General Insurance Company Limited v. Ecoscape International Private Limited*<sup>10</sup> deals with a case where the complainant was permitted to make an amendment in his Complaint. Hence, the Opposite Party filed its Additional Written

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<sup>9</sup> MANU/QI/0060/2025

<sup>10</sup> MANU/CF/0068/2023

Version to the amended Complaint but after 181 days from the date of receipt of the amended Complaint. The State Commission did not take the additional Written Version on record due to the delay. However, since the order of the State Commission had been passed before the judgment in *Hilli Multipurpose Cold Storage Private Limited* (supra) (which had been given prospective effect), the National Commission allowed the Additional Written Version of the Opposite Party to be taken on record beyond the stipulated period of forty-five days subject to the payment of costs of Rs.50,000/-.

28. Therefore, none of the cases cited by the petitioners come to their aid in support of their prayer made in the Writ Petition for setting aside the order of the State Commission dated 23.10.2025.

29. We further wish to hold that the Writ Petition also suffers from a fundamental infirmity in respect of the prayer for issuance of a Writ of Certiorari. The Superior Court should not exercise the powers of an Appellate Tribunal in granting a Writ of Certiorari: *T.C. Basappa v. T.Nagappa*<sup>11</sup>. In that decision, the Supreme Court held with eloquence that while a superior Court “demolishes the order” which it considers to be without

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<sup>11</sup> (1954) 1 SCC 905

jurisdiction or finds to be palpably erroneous, it holds back from substituting its own views for those of the inferior Tribunal while exercising supervisory jurisdiction through a Writ of Certiorari. The Supreme Court relied on *King v. Nat. Bell Liquors Ltd.*<sup>12</sup> which succinctly expressed the view that a Writ of Certiorari may and is generally granted when a Court has acted without or in excess of its jurisdiction. *Hari Vishnu Kamath v. Syed Ahmad Ishaque*<sup>13</sup> relied on *T.C. Basappa* (supra) to lay down certain propositions as to when the Writ of Certiorari could be issued. The propositions therein specify cases where the Writ of Certiorari will be issued for (i) correcting errors of jurisdiction, (ii) when the Court or Tribunal acts illegally in the exercise of its undoubted jurisdiction, e.g., without giving an opportunity to the parties to be heard or violates the principles of natural justice, (iii) where the Court acts in excess of a supervisory jurisdiction so as to assume appellate jurisdiction and (iv) where there exists an error in the decision or determination itself when it is manifest on the face of the proceedings.

30. *Hari Vishnu Kamath* (supra), in fact, proceeded to hold that the Court will not review findings of fact of the inferior Court or Tribunal even if they are found to be erroneous. The aforesaid

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<sup>12</sup> (1922) 2 AC 128 (PC)

<sup>13</sup> (1954) 2 SCC 881

cases were discussed by the Supreme Court in *Central Council for Research in Ayurvedic Sciences v. Bikartan Das*<sup>14</sup>.

31. Considering the settled legal principles as to cases warranting the issuance of a Writ of Certiorari, we are of the firm view that the Writ Petition also deserves to be dismissed on the ground of maintainability. The State Commission acted within its undoubted jurisdiction in passing the impugned order rejecting the Revision Petition filed by the petitioners against the docket order of the District Commission dated 07.07.2025. This is not a case where the petitioners have questioned the order as being without or in excess of jurisdiction. The petitioners also cannot invite the Writ Court to review the factual controversy in a matter for a Writ of Certiorari. In essence, we do not find any ground to interfere with or set aside the impugned order dated 23.10.2025.

32. We must also state that the petitioners' contentions, as expressed by counsel, were premised on an Army veteran being unfairly deprived of a valuable right. The actual facts are in fact the very opposite. The Army veteran is the Complainant who approached the District Commission against the petitioners. The petitioners idled and took their time and failed to file the Written

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<sup>14</sup> (2023) 16 SCC 462

Version despite ample opportunity having been given to them. Therefore, the sympathy of the Court is with the Complainant/Respondent No.1 who is a retired Senior Citizen. The Court takes note of the attempt to divert the Court's sympathy on an erroneous factual premise.

33. The Writ Petition is accordingly held to be devoid of merit and is liable to be dismissed also on the ground of maintainability. We accordingly dismiss W.P.No.32889 of 2025 along with all connected applications. There shall be no order as to costs.

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**MOUSHUMI BHATTACHARYA, J**

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**GADI PRAVEEN KUMAR, J**

DATE:10.12.2025

Note: L.R. Copy be marked.

TJMR