



CIVIL

Consumer Complaints Cannot Be Dismissed for Non-Prosecution by the District or State Commission: Kerala High Court

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The Kerala High Court recently ruled that consumer complaints cannot be dismissed simply because the complainant failed to appear on the hearing date. The judgment was passed in *Suresh Nathan v. The State Consumer Dispute Redressal Commission & Ors.* (WP(C) NO. 2119 OF 2025) on February 11, 2025, by Justice C.S. Dias.

Background of the Case

The petitioner, Suresh Nathan, had filed two consumer complaint (C.C. No.102/2019 / C.C. No.103/2019) before the Kerala State Consumer Disputes Redressal Commission in 2019.

The complaints were initially posted together on **April 8, 2020**, but were repeatedly adjourned—first to **June 4, 2024**, then to **October 17, 2024**. On the final date, the Commission dismissed the complaint for **non-prosecution** through an order. In response, the petitioner promptly filed a **review application under Section 50 of the Consumer Protection Act, 2019**. However, the Commission rejected the review request through an order.

The petitioner contended that both orders were **illegal and erroneous** and left with no other option, approached the Kerala High Court through a writ petition.

Court's Interpretation of the Law

The High Court examined the Consumer Protection Act, 2019, particularly Sections 37-B, 38, and 49. A co-joint reading of the Sections 37-B and 38 of the Act mandates that the District Commission has to hear all issues involved in the consumer dispute and decide the complaint on merits, even if the complainant fails to appear on the hearing date. Further by virtue of Section 49 of the Act, Section 38 is made applicable to the State Commission. Therefore, the State Commission is not empowered to dismiss a complaint for default or non-prosecution, but is obliged to decide the complaint on its merits.

High Court's Decision

The Kerala High Court found that the dismissal order and the rejection of the review petition were illegal. The Court exercised its **extraordinary jurisdiction** and set aside both orders. It restored the complaint and directed the parties to appear before the Consumer Commission on March 19, 2025. The Commission was further instructed to dispose of the complaint **within six months**.

Why Is This Judgment Important?

This ruling strengthens consumer rights and ensures that justice is not denied due to procedural lapses. If a case is dismissed unfairly, consumers may lose their right to seek compensation or redressal. The judgment clarifies that consumer forums must follow the law and decide cases based on their merits, not procedural technicalities.

Conclusion

The Kerala High Court's decision reinforces the legal principle that consumer complaints should not be rejected for mere non-appearance. This ensures fair trials and prevents arbitrary dismissals, making consumer protection laws more effective and accessible for all citizens. This ruling serves as a reminder that justice must always be prioritized over procedural formalities.

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