ITEM NO.11 Court 14 (Video Conferencing) SECTION XV

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4969/2020

(Arising out of impugned final judgment and order dated 04-07-2019 in DBSAW No. 1779/2018 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

STATE OF RAJASTHAN & ORS.

Petitioner(s)

## VERSUS

KAMAL TRAVELS KOKKS INTERNATIONAL & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.193051/2019-EXEMPTION FROM FILING O.T.)

Date : 30-09-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Vishal Meghwal, Adv. Mr. Milind Kumar, AOR

For Respondent(s)

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

We heard learned counsel for the petitioners for quite some time and taken into consideration Section 16(1B) of the Consumer Protection (Amendment) Act, 2002 which was inserted by an amendment no.62 of 2002, which is given below:

"(1B)(i) The jurisdiction, powers and authority of the State Commission may be exercised by Benches thereof.

(ii) A Bench may be constituted by the President with one or more members as the President may deem fit. (iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more or the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it."

Taking note of the provision afore-stated, we do not find any error in the order impugned dated 04.07.2019 passed by the High Court of Judicature for Rajasthan at Jodhpur which may call for our interference under Article 136 of the Constitution.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI) COURT MASTER (SH) (BEENA JOLLY) COURT MASTER (NSH)