**Before The Hon'ble Hp State Consumer Redressal**

**Commission At Shimla**

Appeal No.:\_\_\_\_\_\_ of 2004

Memo of Parties

                                                             Appellant

                                       Versus

                                                             Respondents

Appeal under Sections 15 & 17 (a) (ii) of the Consumer Protection Act, 1986 against the order dated \_\_\_\_\_ of Ld. District Consumer Redressal Forum Shimla, in case titled as \_\_\_\_\_

Shimla                                                                                                  Appellant

Through, Advocate

GROUNDS OF APPEAL:

Respectfully Sheweth:

1.  That the relevant facts and the facts  leading to filing of present Appeal are given in brief hereunder in chronological order for the convenience of your Lordships:-

Date \_\_\_\_\_\_

Events \_\_\_\_\_

GROUNDS

2.   That the humble appellant is invoking the jurisdiction of this Hon'ble Commission and seeking indulgence on the following grounds amongst others each one of which is without prejudice to and independent of other :-

(a)    That the learned Forum below has acted with serious illegality in the exercise of jurisdiction vested in it by law. \_\_\_\_\_\_\_\_

(b)   That there has been mis-appreciation of evidence and mis-application of the provisions of law by the Ld. Forum below. \_\_\_\_\_\_\_\_

(c)   That a breach of the rules of natural justice occurred in connection with the making of the decision.  \_\_\_\_\_\_\_\_

(d)   That procedures that were required to be observed in connection with the making of the decision were not observed.  \_\_\_\_\_\_\_\_

(e)   That the decision was not authorised by the enactment in pursuance of which it was purported to be made.  \_\_\_\_\_\_\_\_

(f)   That the making of decision was on improper exercise of the powers conferred by the enactment in pursuance of which it was purported to be made.  \_\_\_\_\_\_\_\_

(g)   That decision incurred an error of law whether or not the error appear on the record of decision.  \_\_\_\_\_\_\_\_

(h)  That there was no evidence or other material to justify the making of the decision.  \_\_

(i)  That the decision was otherwise contrary to law \_\_\_\_\_\_\_\_ taking an irrelevant consideration into account in the exercise of power.  \_\_\_\_\_\_\_\_

(j)    That the Ld. forum below has failed to take relevant consideration into account in the exercise of a power.  \_\_\_\_\_\_\_\_

(k)    That the Ld. Forum below while making the decision was required by law to reach that decision only if a particular matter \_\_\_\_\_\_\_\_ was established and there was no evidence or other material [including facts of which  the Ld. Forum below was entitled to take notice] from which the Ld. Forum below could reasonably be satisfied that the matter was established and the decision was based on the existence of particular fact and that fact did not exist.

(l)   That the Ld. Forum below has not exercised judicious discretion vested in it in accordance with law in passing the impugned order.  \_\_\_\_\_\_\_\_

(m)   That the provisions of law have been mis-construed.  More particularly \_\_\_\_\_

(n)    That the Ld. Forum below has failed to appreciate the evidence on record and has drawn wrong inferences from the facts proved on record which has vitiated findings.  \_\_\_\_\_\_\_\_

(o)   That the Ld. Forum below has failed to appreciate the well-settled principles of law laid down by the Hon'ble Apex Court and this Hon'ble Commission in catena of cases.  \_\_\_\_\_\_\_\_

3.    That no similar Appeal has been filed by the appellant on the similar grounds.

4.     That the appeal has been filed within the period of limitation.

5.   It is, therefore, most respectfully prayed that this Hon'ble Commission may be pleased to send for the records of the case and after examining the legality of the proceedings, may be pleased to set aside the orders of the Ld. Forum below dated \_\_\_\_ passed in case titled as \_\_\_\_\_.  Such other orders may also please be passed as deemed fit and proper in the facts and circumstances of the case in favour of the appellant.

Shimla                                                                                      Appellant

\_\_\_\_\_\_                                                                                    Through, Advocate

Application No.:\_\_\_\_\_\_ of 2004 in Appeal No. \_\_\_\_\_\_ of 2004

Appellant/Applicant

                                       Versus

                                                            Respondents

Application for stay of the impugned order of the Ld. District Consumer Redressal Consumer Forum dated \_\_\_\_\_ case titled as \_\_\_\_\_\_\_

Respectfully Sheweth:

1.  That the applicants have filed the above mentioned appeal in this Hon'ble court hearing whereof will take sometime.

2.  That it is apparent from the grounds of the appeal and the documents attached therewith that the Appellant/applicant has prima facie very good case in his favour and the appeal is bound to succeed.

3.    That the interest of justice demands that during the pendency of the appeal operation of the impugned judgment of the Ld. District Redressal Forum below is stayed.  Otherwise the applicant will suffer irreparable loss and injury which cannot be compensated in terms of money.

4.   It is, therefore, most respectfully prayed that this application may be allowed in the interest of justice and during the pendency of this appeal the operation of the impugned order may be stayed in the interest of justice.  Such other orders be also passed as deemed fit and proper in the facts and circumstances of the case.

Shimla                                                                                      Appellant

\_\_\_\_\_\_                                                                                    Through, Advocate

Application No.:\_\_\_\_\_\_ of 2004 in Appeal No.:\_\_\_\_\_\_ of 2004

                                                            Appellant/Applicant

                                       Versus

                                                            Respondents

Affidavit in support of the application for stay

          I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :

1.   That the accompanying application has been prepared under my instructions.

2.    That the contents of paras 1 to 4  of the application are correct and true to the best of my knowledge.

3.   That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

          Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

**Before the Hon'ble HP State Consumer Redressal**

**Commission at Shimla**

Appeal No.:\_\_\_\_\_\_ of 2004

                                                             Appellant

                                       Versus

                                                           Respondents

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Shimla                                                                                      Appellant

\_\_\_\_\_\_                                                                                    Through, Advocate