

Ram Kishor Arora vs Rohit Verma & Anr. on 9 April, 2025

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 0

+ CM(M) 671/2025 & CM APPL. 21272-21274/2025

RAM KISHOR ARORA

Through: Mr. Ashish Dholakia,
with Mr. Ashish Kumar
Malik, Mr. Anubhav De
Mr. Bhupendra Premi,
Jandu, Ms. Atika Chat
Anju Shreenair, Advoc

versus

ROHIT VERMA & ANR.

Through: Mr. Aditya Parolia, M
Srivastava and Ms. Is
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. A complaint was filed under Section 21 read with Section 12(1)(a) of Consumer Protection Act, 1986 before the learned National Consumer Disputes Redressal Commission (in short "NCDRC") by Mr. Rohit Verma & Anr. Such complaint i.e. Consumer Case No. 530/2020 was allowed on 08.10.2021 by learned NCDRC, while directing OP No.1 (Supertech Limited & Anr.) to refund the total amount of Rs.91,83,830/- with interest.

2. The requisite directions, in this regard, are contained in para 15 of the abovesaid order which reads as under:-

"In view of the fact that the OPs have failed to abide by their own commitment of handing over possession of the Unit in question even after the lapse of the grace period and do not have either a completion certificate or an offer of possession, the delay cannot be construed as reasonable. We find merit in the contentions of the Complainants and accordingly allow the Complaint. OP No. 1 shall refund the total amount of Rs.91,83,830/- (Rupees Ninety One Lakhs Eighty Three Thousand Eight Hundred and Thirty only) paid by the Complainant to the Complainants and HDFC bank on the proportion in which they have paid OP No. 1 by demand Draft. In addition simple interest @ 9 % from the respective dates of deposits shall be paid to the Complainant to compensate for mental agony and hardship apart from litigation costs of Rs.50,000/- (Rupees Fifty Thousand Only) by Demand Draft within a period of 6 weeks of this order, failing which simple interest @ 12% shall be applicable."

3. Based on the abovesaid order, an Execution Petition was filed which was registered as Execution Application No. 45/2022.

4. When such Execution Petition was taken up by the learned NCDRC on 17.02.2025, it directed the Managing Director of the JD company to be present before it, to explain as to why the decree had yet not been satisfied and why he should not be proceeded against under Section 72 of Consumer Protection Act, 2019.

5. The matter was thereafter adjourned for 06.03.2025.

6. On 06.03.2025, since there was no appearance from the side of such Managing Director of the JD company, learned NCDRC was constrained to issue coercive process, while directing as under:-

"In view of the no compliance of decree and going by the Orders of the Hon'ble Supreme Court in the case laws cited above, we are constrained to issue bailable warrant against Mr. Ram Kishor Arora who shall be present before this Commission on 02.04.2025 along with two sureties of Rs. 25 lakhs each and a personal bond of like amount as a first step of proceeding under Section 72 of the Consumer Protection Act, 2019 for both getting his version of the reason for non-compliance and also his personal liability for satisfying the decree on the next date of hearing."

7. Thereafter, when the matter was taken up on 02.04.2025, according to learned Senior Counsel for the petitioner, the petitioner had, though, joined the proceedings through virtual mode but the learned NCDRC has insisted for his personal appearance again.

8. The matter is now scheduled for 15.04.2025 for the same purpose.

9. During course of the arguments, learned Senior Counsel for petitioner, on instructions, submitted that there is no intention to delay the execution proceedings and as Managing Director of JD company, the petitioner is not shying away from appearing before learned NCDRC and would rather offer his best assistance to the Commission.

10. It is undertaken that on the next such fixed date i.e. 15.04.2025, the petitioner herein would appear physically before learned NCDRC and, if any directions are passed by the learned Commission, these would be scrupulously adhered to. All in all, Mr. Dholakia submits that the petitioner would render best assistance so that the learned NCDRC proceeds further in relation to proposed action under Section 72 of Consumer Protection Act, 2019.

11. This is, however, without prejudice to his rights and contentions, as available to him under the law.

12. In view of the above, learned counsel for petitioner submits that the coercive conditions may be re-called and the matter be relegated to the possession as it existed on 17.02.2025.

13. Learned counsel for respondents/complainants appears on advance notice and submits that he would have no objection to the abovesaid as the petitioner has undertaken to appear physically before the learned NCDRC on the next date of hearing.

14. In view of the above, the present petition is disposed of with the direction that the petitioner would appear physically before the learned NCDRC on 15.04.2025. The coercive conditions with respect to issuance of bailable warrants and submission of bonds are recalled. Once he appears, it will be upto the learned NCDRC to proceed further, in accordance with law and to impose any condition, it may deem fit and proper.

15. Needless to say, it will be open to petitioner to move appropriate application, in case, he is of the opinion that his prosecution under Section 72 of Consumer Protection Act, 2019 is not sustainable.

16. The present petition, along with pending applications, stands disposed of in aforesaid terms.

17. A copy of this order be given dasti, under the signatures of Court Master.

(MANOJ JAIN) JUDGE APRIL 9, 2025/ss/js