$~76 to 80

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010303692026**

\+ CM(M) 1479/2026

AMULYA KUMAR MISHRA & ANR. .....Petitioners

Through: Ms. Bina Gupta, Ms. Anushka Rawal and Ms. Ishika, Advocates.

versus

NIKITA DHINGRA & ORS. .....Respondents

Through:

77

\# **CNR No. DLHC010303272026**

\+ CM(M) 1484/2026

AMIT KATYAL .....Petitioner

Through: Mr. Samrat Nigam, Senior Advocate with Ms. Radhika Gupta and Mr. Saket Verma, Advocates.

versus

MEERA SACHDEVA & ANR. .....Respondents

Through:

78

\# **CNR No. DLHC010303282026**

\+ CM(M) 1486/2026

AMIT KATYAL .....Petitioner

Through:

versus

NIKITA DHINGRA & ANR. & ORS. .....Respondents

Through:

79

\# **CNR No. DLHC010303722026**

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+ CM(M) 1488/2026

YOGENDRA SINGH .....Petitioner

Through: Mr. Shivaang Gupta, Advocate.

versus

NIKITA DHINGRA AND ANR & ANR. .....Respondents

Through:

80

CNR No. DLHC010303732026

+ CM(M) 1489/2026

YOGENDRA SINGH .....Petitioner

Through: Mr. Shivaang Gupta, Advocate.

versus

MEERA SACHDEVA AND ANR .....Respondents

Through:

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

O R D E R

% 24.08.2026

CM APPL. 53337/2026 (stay) in CM(M) 1479/2026

CM APPL. 53174/2026 (Direction) in CM(M) 1484/2026

CM APPL. 53279/2026 (Direction) in CM(M) 1486/2026

CM APPL. 54774/2026 (Direction) in CM(M) 1488/2026

CM APPL. 53290/2026 (Direction) in CM(M) 1489/2026

1. Through the present petitions, the petitioners seek to assail the orders dated 10.06.2026 and 16.06.2026 whereby the learned National Consumer Dispute Redressal Commission directed the physical presence of the petitioners herein.

2. Succinctly stated, the brief facts of the present case are as follows -

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3. The petitioners are stated to be the erstwhile directors of the judgment debtor company *viz.* M/s Jasmine Buildmart Pvt. Ltd. The respondent/ decree holder had instituted a consumer complaint against the JD company, and the learned NCDRC *vide* judgment and decree dated 24.11.2022 directed the JD company to refund the entire deposited amount along with interest at the rate of 9% per annum.

4. The decree holder filed their applications for execution of the decree against the JD company. While issuing notice on the execution applications on 05.04.2023, the learned executing court directed the JD company to maintain *status quo qua* certain units in their residential housing project, however, the order dated 05.10.2023 of the learned executing court records that the said units had been sold and disposed of.

5. In 2024, during the execution proceedings, the respondent/decree holder filed applications under Order I Rule 10 Code of Civil Procedure seeking to implead the petitioners herein. The applications were allowed, and notices were issued to the petitioners.

6. In the *interregnum*, upon admission of an application under section 9 of the Insolvency and Bankruptcy Code, 2016 on 05.03.2024, the JD company entered into moratorium.

7. As against the impleadment applications, in 2026, the petitioners filed applications under Order I Rule 10 CPC seeking deletion from the array of parties. The petitioners contended *inter alia* that they had wrongly been arrayed as parties and they had no ascribed role in the management of the JD companies since they were no longer directors/promoters.

8. Meanwhile, aggrieved by the deliberate disobedience with the *status quo* order, and the failure to satisfy the decree, the respondent/decree-holder

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in 2025, initiated proceedings under section 72 of the consumer Protection Act, 2019, and sought framing of charges against the petitioners.

9. The learned executing court on 04.05.2026, 10.06.2026 and 16.06.2026 directed the petitioners to remain physically present. The learned executing court *vide* order dated 16.06.2026 posted the matter for cross examination of witnesses. Consequently, the orders dated 10.06.2026 and 16.06.2026 have been assailed before this Court under Article 227.

10. The learned senior counsel appearing for the petitioners submits that the impugned orders passed by the learned NCDRC are contrary to the law laid down by the Hon'ble Supreme Court in ***Ansal Crown Heights Flatbuyers Association v. Ansal Crown Infrabuild Pvt. Ltd. & Ors., 2026 SCC OnLine SC 51***. It is submitted that the petitioners, being the erstwhile directors and promoters of the judgment-debtor company, were admittedly not parties to the original consumer complaint, no decree was passed against them, and they were also not impleaded in the execution proceedings at the outset. In these circumstances, it is settled that a decree cannot be enforced against a person who was not a party to the decree and, consequently, such a person cannot be compelled to remain physically present in the execution proceedings.

11. It is further submitted that the learned Executing Court failed to adjudicate the petitioners' objections concerning their deletion from the proceedings and, without first determining their entitlement to be deleted, proceeded to issue directions against them. The impugned directions requiring their physical presence, having been issued without adjudication of their foundational objections, are therefore unsustainable in law.

12. *Per contra***,** learned senior counsel for the respondent has raised a

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preliminary objection regarding the maintainability of the present petition. He has further submitted that an offence under Section 72 of the Consumer Protection Act, 2019 is criminal in nature and, therefore, the fact that the petitioners were not impleaded as parties to the original consumer complaint does not preclude proceedings against them under Section 72. According to him, the distinct nature of the offences and the reliefs contemplated under the two proceedings means that non-impleadment in the original consumer complaint cannot, by itself, shield a person from proceedings under Section 72.

13. After some arguments, the learned senior counsel for the parties are in agreement that the present petitions be disposed of, with directions to the learned executing court to decide the petitioners' objections *qua* deletion expeditiously.

14. This Court is of the view that the objections concerning the impleadment of the petitioners go to the very root of the matter and, therefore, ought to be adjudicated at the earliest, before the proceedings are taken any further. As a necessary corollary, the question as to the proper parties to the proceedings, including any objection to their array, must first be determined before any substantive directions are issued against them.

15. Accordingly, the learned executing court is directed to expeditiously, on the next date of hearing, or any date subsequent to that, decide the petitioners' objections *qua* the deletion from the array of parties.

16. It is expressly made clear that the court has not expressed its views on the merits of the matter.

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17. The petitions along with pending applications, if any, are disposed of.

AJAY DIGPAUL, J

AUGUST 24, 2026/*A/sg*

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