

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

1. LPA-1790-2019

M/s RKM Housing Limited

... Appellant

Versus

Punjab State Consumer Dispute Redressal Commission, Chandigarh and
others

... Respondents

2. LPA-1791-2019

M/s RKM Housing Limited

... Appellant

Versus

Punjab State Consumer Dispute Redressal Commission, Chandigarh and
others

... Respondents

3. LPA-1792-2019

M/s RKM Housing Limited

... Appellant

Versus

Punjab State Consumer Dispute Redressal Commission, Chandigarh and
others

... Respondents

Date of decision: 29.10.2019

***CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU***

Present: Mr.J.P.S. Sidhu, Advocate
for the appellant.

RAJIV SHARMA, J.

Since common questions of law and facts are involved in the
aforesaid appeals, therefore, these are taken up together and disposed of by
a common judgment.

2. These LPAs have been preferred against the judgments rendered by the learned Single Judge in CWP no.29684 of 2019, CWP no.29954 of 2019 and CWP no.29912 of 2019 dated 16.10.2019 and 17.10.2019 respectively. However, the facts are taken from LPA-1790-2019. Respondent no.2 has filed claim petition bearing Consumer Complaint no.92 of 2014. It was decided on 08.02.2018. The complaint was allowed and the following directions were issued:-

- “1. to refund Rs.20,51,000/-, along with interest at the rate of 12% per annum from the dates of respective deposits till realization, as per Rule 17 of PAPRA;
2. to pay Rs.1,00,000/-, as compensation for mental torture and mental agony;
3. to pay Rs.11,000/-, as litigation expenses.”

3. Feeling aggrieved by the order dated 08.02.2018, the appellant-petitioner filed First Appeal no.990 of 2019 before the National Consumer Disputes Redressal Commission, New Delhi. The National Consumer Disputes Redressal Commission, New Delhi, vide order dated 29.08.2019 stayed the operation of the order dated 08.02.2018 subject to payment of Rs.15,000/- to the complainant within four weeks and also to deposit 50% of the decretal amount with the State Commission within six weeks.

4. It is an admitted fact that the appellant-petitioner has not complied with the order dated 29.08.2019. Respondent no.2 filed Execution Petition no.EA/113/2018 whereby the fresh non-bailable warrants were ordered to be issued against the appellant-respondent no.4. It is in these circumstances, the appellant-petitioner has filed the writ petition before the learned Single Judge. The learned Single Judge after noting the contentions of the appellant-petitioner, dismissed the writ petition.

5. The appellant has not complied with the order rendered by the National Consumer Disputes Redressal Commission, New Delhi, dated 29.08.2019. In case he was aggrieved by the order, he had an alternative remedy to file an appeal before Hon'ble Supreme Court.

6. According to the plain language of Section 23 of the Consumer Protection Act, 1986, the order passed by the National Consumer Disputes Redressal Commission, New Delhi is appealable before Hon'ble Supreme Court.

7. Learned counsel for the appellant submits that the appeal would lie before Hon'ble Supreme Court only if the matter was finally adjudicated upon by the National Consumer Disputes Redressal Commission and not against the interim order.

8. We see no merit in the submission of learned counsel for the appellant as per the plain language of Section 23 of the Consumer Protection Act. Section 23 does not visualize any dichotomy between the final order and the ad-interim order. Accordingly, there is no merit in the appeals and the same are dismissed.

9. Since the main appeals have been dismissed, the applications, i.e. CM-1422-LPA-2019, CM-1424-LPA-2019, CM-1426-LPA-2019 for adducing additional evidence are dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

October 29, 2019.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No