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

+ W.P.(C) 447/2020

R K GAMBHIR

..... Petitioner

Through: Mr.Sandeep Sethi, Sr. Adv. with
Ms.Pooja M. Saigal, Mr.Akshay
Gupta, Mr.Navneet Bhardwaj &
Mr.Mukesh Kaushik, Advs.

versus

DUSHYANT KUMAR GUPTA

..... Respondent

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **14.01.2020**

CM No. 1233/2020 (Exemption)

Allowed, subject to all just exceptions.

WP(C) 447/2020 & CM 1232/2020

As this petition involves a limited relief, I do not consider it necessary to issue a formal notice of the same to the respondent.

This petition has been filed challenging the order dated 09.12.2019 passed by the National Consumer Dispute Redressal Commission in EA/82/2017 in Consumer Complaint No. 198/2015 titled ***Dushyant Kumar Gupta vs. Today Homes and Infrastructure Private Limited***, restraining the petitioner herein from leaving the country without prior permission of the Commission and directing his personal presence before the Commission on 18.03.2020.

The learned senior counsel for the petitioner submits that the original Consumer Complaint was filed only against Today Homes and Infrastructure Private Limited and the petitioner was not added as an Opposite Party in the said complaint. He further submits that the Impugned

Order has been passed on the basis that though the petitioner had been served with the notice issued by the learned Commission on the Execution Application, he was not present before the Commission on 09.12.2019. He submits that the notice issued by the learned Commission was, infact, addressed to Today Homes and Infrastructure Private Limited through the petitioner, who was shown to be its Managing Director. The notice was also addressed only at the office address of the said company and not at the residential address of the petitioner. He submits that the petitioner was not aware of the said notice being issued and had not received the same.

As the Impugned Order is premised on the non appearance of the petitioner before the Commission, I find merit in the submission made by the learned senior counsel for the petitioner. The Impugned Order, insofar as it directs the petitioner to remain personally present before the Commission on 18.03.2020 and restrains the petitioner from leaving the country without prior permission of the Commission, is set aside subject to the undertaking of the petitioner that the petitioner shall be duly represented before the Commission through a counsel on 18.03.2020.

It is made clear that this Court has not expressed any opinion on the merits of the submissions made by the learned senior counsel for the petitioner on whether the proceedings are maintainable against the petitioner before the Commission.

The petition is disposed of in the above terms.

Dasti.

NAVIN CHAWLA, J

JANUARY 14, 2020/rv