

\$~43

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

+ **W.P.(C) 2798/2020**

JOGINDER KUMAR & ANR

..... Petitioners

Through: Mr.Vaibhav Gaggar, Ms.Sumedha Dang,
Mr.Vidur Mohan, Ms.Namrata Raj, Advs.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms.Suparna Srivastava, Mr.Akshit,
Mr.Srivats Kaushal, Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

%

13.03.2020

CM No.9778/2020 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 2798/2020 & CM No.9779/2020

This petition has been filed by the petitioners challenging the orders dated 27.11.2019 and 11.02.2020 passed by the learned National Consumer Disputes Redressal Commission (NCDRC) in EA No.340/2019 titled *Shalabh Nigam vs. Orris Infrastructure Pvt. Ltd. & Anr.*

By the order dated 27.11.2019, the learned NCDRC was pleased to issue summons on the execution application of the respondent no.2 herein to *inter alia* the petitioners. By the subsequent order dated 11.02.2020, on non-appearance of the petitioners, the learned NCDRC has been pleased to issue bailable warrants against the petitioners herein.

The learned counsel for the petitioners submits that without prejudice to the rights and contentions of the petitioners, especially their contention that the execution application against the petitioners is not maintainable as

they were not impleaded as party respondent in the original complaint, the petitioners shall be duly represented through counsel before the learned NCDRC on 19.03.2020. The learned counsel for the petitioners further submits that an application being IA No.3181/2020 was filed before the learned NCDRC seeking review of the order dated 11.02.2020, however, the same has been dismissed vide order dated 05.03.2020.

In view of the submissions made, the present petition is disposed of. The Impugned Order dated 11.02.2020, in so far as it directs issuance of bailable warrants against the petitioners is set aside, subject to the condition that the petitioners will be duly represented before the learned NCDRC on 19.03.2020 through their counsel.

All contentions of the petitioners on the maintainability of the execution application shall remain open to be taken before the learned NCDRC.

Dasti under the signature of the Court Master.

NAVIN CHAWLA, J

MARCH 13, 2020
RN