

01.09.2022
Item No.344
Ct. No.7
CHC

C.O. 2625 of 2022

Canopy Projects Limited.

Vs.

Tapendra Guha & anr.

Mr. Sabyasachi Chaudhury,
Mr. Rajarshi Dutta,
Mr. Shounak Mukhopadhyay,
Mr. Prithwish Roy Chowdhury
...for the petitioner

Petitioner assails the order dated 3rd August, 2022, disputing with the mode and manner of compliance, sought to be achieved, to give effect to the final order passed by the learned State Consumer Disputes Redressal Commission, Kolkata, in EA/149/2019 arising out of Complaint Case No.CC/130/2015.

Mr. Chaudhury, learned advocate appearing for the petitioner submits that judgment-debtor is willing to comply the order upon returning the money together with the interest, but in a situation like this, there should not be any coercive action taken against the petitioner/judgment-debtor.

Upon perusal of the impugned order, it appears that a date has been fixed (1st September, 2022) for compliance by the judgment-debtors putting a default clause therein that there may be Warrant of Arrest

issued against the judgment-debtor for non compliance of the final order, passed by the Consumer Disputes Redressal Commission, Kolkata. The situation as it stands now, there is no Warrant of Arrest issued against the petitioner, in view of his express willingness being given by the judgment-debtor/petitioner that he will comply the order shortly.

When the mode and manner of compliance, sought to be achieved, is only disputed by petitioner, this Court is of the view the same should be decided by the court below, before resorting to a coercive action, like issuance of Warrant of Arrest against the judgment-debtor/petitioner.

It is thus clarified that before issuing any Warrant of Arrest against the judgment-debtor, an opportunity of hearing to the petitioner should be given, so that the point raised pertaining to the mode and manner of compliance, sought to be achieved, may be duly redressed to by the Commission in presence of the opposite parties.

Petitioner is directed to communicate the order to the learned State Disputes Redressal Commission, Kolkata as well as to the opposite parties and their learned advocate appearing before the Commission.

(Subhasis Dasgupta, J.)