

28.09.2022
Item No.19
Ct. No.7
CHC
(disposed of)

C.O.3091 of 2022

M/s Lucky Housing Private Limited & ors.

Vs.

Sri Sanjoy Singh & anr.

Mr. Arijit Bardhan,
Mr. Rishabh Dutta Gupta,
Mr. Salman Hasan

...for the petitioners

Mr. Bardhan, learned advocate appearing for the petitioners, while assailing the order dated 30th August, 2022, passed in Execution Application No.EA/25/2021, arising out of Complaint Case No.CC/752/2017 by West Bengal State Consumer Disputes Redressal Commission, Kolkata, submits that issuance of bailable warrant against the petitioner is a product of erroneous assumption of jurisdiction by the Executing Court below.

Mr. Bardhan frankly submits that in the complaint case petitioners were impleaded as opposite parties, and there has been an order adverse to the interest of the petitioners, which was challenged in appeal, and the petitioners lost the appeal.

It is further clarified by Mr. Bardhan that a S.L.P. is being drafted to challenge the dismissal of FA/922/2020 before the Apex Court.

It is further submitted that festivity period would commence shortly, and in the meantime, execution of

bailable warrant of arrest would prejudicially affect the petitioners.

When S.L.P. is submitted to be filed shortly, there is hardly any scope to enter into the merits of the case, after dismissal of first appeal.

In a situation like this, the revisional application be disposed of staying operation of the impugned order, dated 30th August, 2022, passed in Execution Application No.EA/25/2021 arising out of Complaint Case No.CC/752/2017 by West Bengal State Consumer Disputes Redressal Commission, Kolkata, subject to the condition that the petitioners would ensure their appearance upon surrendering before the Executing Court below on the date stipulated in the order impugned.

If any application for release on bail or bond is filed by the petitioners upon surrendering, that may be considered by the Executing Court below in accordance with law upon addressing the questions pertaining to the erroneous assumption of the jurisdiction, as alleged by Mr. Bardhan.

This order is passed without going into the merits of the case, and without prejudice to the rights and contentions of the parties.

Liberty is given to the petitioners to agitate all points pertaining to alleged erroneous assumption of jurisdiction, and if such point is raised, that may be

addressed by the Executing Court below in accordance with provisions of law.

Petitioners are directed to make communication of this order to the learned court below.

With this observation/direction, the revisional application stands disposed of.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)