

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.20650 of 2022
(Through hybrid mode)**

Bhramarbar Swain

....

Petitioner

Mr. Trilochan Dash, Advocate

-versus-

***District Consumer Forum,
Kendrapada and others***

....

Opposite Parties

Ms. Suman Pattnaik, AGA

CORAM: JUSTICE ARINDAM SINHA

**ORDER
24.08.2022**

**Order
No.**

1.

1. Mr. Dash, learned advocate appears on behalf of petitioner and submits, impugned is letter dated 12th July, 2022 of District Consumer Disputes Redressal Commission, Kendrapada to Superintendent of Police, Puri on subject of execution of non bailable warrant (NBW) against his client. He submits, private opposite party no.2 obtained ex parte order against his client and thereupon filed execution case. On coming to know of the ex parte order his client had preferred appeal before the State Consumer Forum but there was direction to pay Rs.55,000/- as cost for condoning the delay, which his client could not pay and the appeal was dismissed on 26th November, 2020. His client thereupon filed Revision Petition no. 832 of 2022 before the

National Consumer Disputes Redressal Commission (NCDRC), New Delhi. Before his client was could move the revision petition and in the meantime, he is facing peril of arrest on execution of the NBW. Hence, his client is praying for relief on urgent basis.

2. On query from Court Mr. Dash submits, the ex parte order obtained is for payment of Rs.5,00,000/-.

3. Apart from information obtained on query from Court regarding direction for payment of Rs.5,00,000/-, rest of aforesaid submissions are borne out from pleadings of petitioner supported by affidavit. In the circumstances of petitioner facing arrest on execution of the NBW, this Court is inclined to intervene and stay the execution of the NBW till 12th September, 2022. Within that time petitioner may approach NCDRC for interim protection. It is made clear that this order will stand automatically vacated on 13th September, 2022 even though, for whatever reason, petitioner is unable to obtain protection from NCDRC by then.

4. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks