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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 6806 OF 2021

The City and Industrial Development
Corporation of Maharashtra Ltd. (CIDCO)
and Ors. ...Petitioners
Versus
Veena Bhushan Jain (since deceased) Through
her legal heirs namely Bhushan Chimanlal
Jain and Ors. ...Respondents

ALONGWITH

CRIMINAL WRIT PETITION NO. 6809 OF 2021

The City and Industrial Development
Corporation of Maharashtra Ltd. (CIDCO)
and Ors. ...Petitioners
Versus
Bhushan Chimanlal Jain and Anr. ...Respondents

ALONGWITH

CRIMINAL WRIT PETITION NO. 6810 OF 2021

The City and Industrial Development
Corporation of Maharashtra Ltd. (CIDCO)
and Ors. ...Petitioners
Versus
Sandeep Bhushan Jain (Represented by
his POA Mr. Bhushan Chimanlal Jain)
and Anr. ...Respondents

Mr. S.K.Mishra, Senior Advocate a/w Mr. Hemant Prabhulkar i/b
Jurisperitus Mumbai for the Petitioners.

Mr. R.B.Mokashi for the Respondent No.1

Mrs. Anamika Malhotra, A.P.P for the Respondent-State in WP/6806/2021.

Mr. S.S. Pednekar, APP for the Respondent-State in WP/6809/2021.

Mr. A.R.Patil, APP for the REspondent-State in WP/6810/2021.

CORAM : REVATI MOHITE DERE, J.
DATE : 13th JANUARY, 2022
(Through Video Conferencing)

P.C. :

1. Heard learned Counsel for the parties.
2. By this petition, the petitioners have impugned the order dated 24th November, 2021 passed by the learned State Consumer Disputes Redressal Commission, Mumbai in Execution Application Nos. EA/21/89, EA/21/91, EA/21/93.
3. Learned Senior Counsel for the petitioners submitted that the Execution Application filed by the respondent No.1 itself is not maintainable having regard to the fact, that the respondents had not complied with the directions given by the National Consumer Disputes Redressal Commission, in particular para 17 of the said order dated 20th January, 2021. Learned Senior Counsel submits that vide the said order

dated 20th January, 2021, the National Consumer Disputes Redressal Commission had given certain directions to the petitioners as well as the respondent No.1. He submits that the respondents have not complied with the directions given by the National Forum nor have deposited the amount as directed by the said order, till date. He submits that the said order of the National Commission was confirmed by the Apex Court, however, the time to make payment was extended by further eight weeks. Learned Senior Counsel submits that the said extended period has also expired on 26th May, 2021. He submits that no extension has been sought by the respondent No.1. Learned Senior Counsel for the petitioners submits that having regard to the said facts, the Execution Application filed by the respondent itself, was not maintainable i.e. as the respondents themselves had not complied with the order of the National Commission which was confirmed by the Apex Court. He submits that the issue of the maintainability of the application filed by the respondent under Section 72 of the Consumers Act, 2019 be decided first.

4. Mr. Mokashi, learned Counsel appearing for the respondent does not dispute the fact that no extension has been sought for from the Apex Court. He submits that the respondents have no objection if the issue of maintainability of the Execution Application is decided at the threshold.

5. Considering the aforesaid, the State Consumer Dispute Redressal Commission to decide the maintainability of the Execution Application before proceeding with the said application, on merits. The Commission shall not insist upon the presence of the respondent Nos. 2, 3 and 4 till the issue of maintainability of the said application is decided. Hearing expedited.

6. Petitions are disposed of on the aforesaid terms.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.