

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CM-11363-CWP-2023

in/and

CWP-1833-2023 (O&M)

Date of Decision: 25.07.2023

SUKHM INFRASTRUCTURES PRIVATE LIMITED
AND OTHERS

...Petitioners

Versus

UNION TERRITORY, CHANDIGARH THROUGH SECRETRY,
FOOD AND SUPPLIES AND CONSUMER AFFAIRS & LEGAL
METROLOGY, CHANDIGARH AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. ManojVashishtha, Advocate
for the petitioners.

HARSH BUNGER, J. (ORAL)

Petitioners have filed the instant writ petition bearing **CWP-1833-2023** under Articles 226/227 of the Constitution of India, seeking quashing of order dated 22.12.2020 (Annexure P-6) and order dated 07.10.2022 (Annexure P-8) passed by respondent No.2-State Consumer Disputes Redressal Commission, Union Territory, Chandigarh through its Registrar/Secretary.

A further prayer has been made to dispose of the Execution Application (EA/101/2019) being fully satisfied.

2. Annexure P-6 is an order dated 22.12.2020 passed by the learned State Consumer Disputes Redressal Commission, Union Territory, Chandigarh; wherein it was, *inter alia*, observed that an amount of Rs.32 lacs is still due to be paid by the judgment debtors (i.e. petitioners herein) and the presence of judgment debtors No.2 to 5 namely, (i) Sh. Tejinder Singh,

Director (ii) Sh. Jaspal Singh Sodhi, Senior Manager (iii) Sh. Vijay Kumar Rustogi, Director (iv) Mrs. Paramjot Kaur, Director of Sukhm Infrastructures Private Limited be secured through non-bailable warrants of arrest; whereas vide order dated 07.10.2022 (Annexure P-8), the learned State Consumer Disputes Redressal Commission, U.T., Chandigarh, had disposed of two Miscellaneous Applications i.e. application No.551 of 2022, *inter alia*, seeking dismissal of the Execution Application No.101 of 2019 on the basis of affidavit/settlement dated 27.06.2022 and Misc. Application No.552 of 2022 filed by the judgment debtors, seeking examination of signatures of late Sh. Kulbir Chauhan on the settlement deed dated 27.06.2022 through Forensic Science Laboratory/Handwriting expert. It is noted that vide order dated 07.10.2022, both the aforesaid Miscellaneous Applications (551 of 2022 and 552 of 2022) were dismissed.

3. While issuing notice of motion in this case, the Co-ordinate Bench of this Court had passed an order dated 31.01.2023; whereby it was ordered that in case, the petitioners appear before the Executing Court within seven days, they shall be released on interim bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the Executing Court.

4. Now the petitioners have filed an application bearing ***CM-11363-CWP-2023*** seeking permission to withdraw the writ petition with liberty to take recourse before the appropriate authority.

5. On a pointed query to learned counsel for the petitioners as to whether the petitioners had appeared before the Executing Court in terms of order dated 31.01.2023 passed in this case, it has been stated that they have not appeared before the Executing Court.

6. Be that as it may, since the petitioners are seeking withdrawal of the writ petition by way of filing **CM-11363-CWP-2023** with liberty to take recourse before the appropriate authority; accordingly, the said application is allowed and the main case, which is pending otherwise for 25.07.2023, is taken up on Board today itself and the writ petition bearing **CWP-1833-2023** is ordered to be **dismissed as withdrawn** with liberty to the petitioners to take recourse before the appropriate authority in accordance with law.

7. All pending application/s, if any, shall also stand closed.

July 25th, 2023

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No