

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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CWP-4686-2023 (O&M).
Date of Decision: 07.10.2023.

TRIPTA SACHDEV

.. Petitioner

Versus

CHIEF ADMINISTRATOR HSVP AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ishwar Singh Sangwan, Advocate,
for the petitioner.

Mr. Deepak Sabherwal, Advocate,
for the respondents/HSVP.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present writ petition is for seeking issuance of directions to respondent No.3 to complete and conclude the Execution Proceedings in EA-115 of 2016 titled as “Tripta Sachdev Vs. Haryana Urban Development Authority (HUDA) (now Haryana Sehri Vikas Pradhikaran (HSVP),” within a stipulated period.

Learned counsel for the respondents/HSVP contends that they have already preferred an SLP before the Hon’ble Supreme Court bearing SLP No.15518 of 2023. He, however, fairly concedes that there is no stay against the execution proceedings and/or the Award passed by the District Consumer Disputes Redressal Forum, as upheld by the State Disputes

Redressal Forum as well as the National Consumer Redressal Commission and notice re: stay, however, has already been issued.

Be that as it may, notice re: stay in any pending SLP cannot be construed as a stay on execution of the final award passed by the District Consumer Disputes Redressal Commission in view of the law laid down by the Hon'ble Supreme Court in the matter of **Ghaziabad Development Authority Versus Balbir Singh reported as (2004) 5 SCC 65** and the relevant part of the same is extracted as under:-

“

xxx xxx xxx

Before we part with this Order, we have to mention that many parties complained to us that even the undisputed amounts had not been paid to them. This was disputed on behalf of the authorities. However, it is clear that the amounts were paid/deposited belatedly. We, therefore, clarify that unless there is a stay obtained from a higher forum, the mere fact of filing of an Appeal/Revision will not entitle the authority to not comply with the Order of the Forum. Even though the authority may have filed an Appeal/Revision, if no stay is obtained or if stay is refused, the Order must be complied with. In such cases the higher forum should, before entertaining the Appeal/Revision, ensure that the order is first complied with.”

Taking into consideration that execution application bearing EA-115 of 2016 has remained pending nearly for a period of 07 years notwithstanding that there is no stay against the order passed by the Consumer Disputes Redressal Commission, I deem it appropriate to dispose of the present petition and issue a direction to the Executing Court to finalise the execution proceedings within a period of 04 months from the

date next fixed before the executing Court after granting opportunity to the respective parties.

The petition is disposed of accordingly.

October 07, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No