

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CWP-13309-2019
Date of decision: 06.11.2023

M/S TRUE ZONE BUILDWELL PVT. LTD.

.....Petitioner

VERSUS

DISTRICT CONSUMER DISPUTE REDRESSAL FORUM, KARNAL AND
OTHERS

.....Respondents

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

Present: - Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Roopak Bansal, Advocate for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition was to the order dated 22.04.2019 (Annexure P-17) whereby arrest warrants had been issued against Managing Director of the petitioner's company without considering that the petitioner was ready and willing to make payment to the respondent No.2 in compliance of the order dated 15.06.2012 (Annexure P-11) passed by the Consumer Disputes Redressal Forum, Karnal.

2. Counsel for the parties have referred to the order dated 20.05.2019 whereby notice of motion had been issued. The same is extracted as under:

The instant writ petition is directed against the order dated 22.04.2019 (Annexure P-17) issued by the

President of District Consumer Disputes Redressal Forum, Karnal and in terms of which the Managing Director of the petitioner Pvt. Ltd. Company has been summoned through arrest warrants.

Counsel would submit that the execution proceedings were initiated for compliance of the order dated 15.06.2012 passed by the Forum and which stands affirmed upto the National Commission. As per the order dated 15.06.2012 passed by the Forum, the petitioner company was made liable to deliver possession of a plot ad-measuring 200 square yards situated in a colony/township developed by the petitioner company.

Counsel submits that as of date all the plots already stand allotted and as such, the petitioner company is open to compensate the respondent No.2 Le allottee/complainant in terms of the market value of a plot carrying similar location.

Mr. Chanderhas Yadav, learned counsel submits that the market value of a similarly situated plot would be Rs. 50 lakhs approximately.

To demonstrate the bonafides counsel submits that the authorized signatory of the petitioner company namely Shiv Kumar and through whom the instant petition has been filed would furnish on the adjourned date a demand draft for a sum of Rs. 35 lakhs drawn in the name of respondent No.2.

List on 24.05.2019.

To be shown at serial No.1 in the urgent motion list.

It has been made clear to Mr. Yadav that if the demand draft for a sum of Rs. 35 lakh is not furnished on the adjourned date, the instant petition stands dismissed.

Arrest warrant against the Managing Director of the petitioner company would not be executed till the next date of hearing.

3. It is conceded that in terms of the aforesaid undertaking recorded on 20.05.2019, the amount of Rs. 35 lacs, as undertaken, has already been furnished by the petitioner with the Registry of this Court.

4. It is further not disputed that a sum of Rs. 2 lacs had been deposited by the respondent-allottee in the year 2006 for allotment of the plot in question. Parties are ad idem that they would be satisfied in case the amount of Rs. 35 lacs as deposited with the Registry of this Court pursuant to the order dated 20.05.2019 is released in favour of the respondent No.2, towards full and final settlement of all claims.

5. In view of the above, the present petition is allowed and the order dated 22.04.2019 passed by the respondents is set aside. The amount of Rs. 35 lacs deposited with the Registry of this Court pursuant to order dated 20.05.2019 shall be released in favour of the respondent No.2 alongwith interest accrued thereupon (in case the amount had been kept in a fixed deposit).

6. Pending execution petition is accordingly disposed of as having been satisfied.

(VINOD S. BHARDWAJ)
JUDGE

NOVEMBER 06, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No