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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 04.05.2023

+ CM(M) 282/2023 & CM APPL. 8818/2023(Direction)

AMIT KATARA

..... Petitioner

versus

M/S GOLD SOUK INFRASTRUCTURES

PRIVATE LIMITED & ANR. Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Rahul Raman and Mr. Ratnesh Sharma,
Adv.

For the Respondent : Mr. Navin Kumar Thakur, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

TUSHAR RAO GEDELA, J. (ORAL)

[The proceeding has been conducted through Hybrid mode]

1. The petitioner has filed the present petition before this Court seeking direction to the National Consumer Disputes Redressal Commission (in short 'National Commission') to expeditiously dispose of the execution proceedings being Execution Application No. 108/2021 titled '*Ram Vilas Sharma & Ors. Vs. M/s. Gold Souk Infrastructures Private Limited & Anr.*', in accordance with the judgment of this Court dated 24.06.2021 in Execution Petition No. 275/2012 titled '*M/s. Bhandari Engineers & Builders Pvt. Ltd. Vs. M/s. Maharia Raj Joint Venture & Ors.*' as well as the law laid down by the Supreme Court in '*Rahul S. Shah Vs. Jinendrakumar Gandhi*' reported in (2021 6 SCC

418) preferably within six months.

2. Learned counsel appearing for the petitioner/decreed holder submits that judgment in his favour was passed by the National Commission on 04.03.2021 and consequent whereunto, execution application bearing number E.A. No. 108/2021 was filed for such enforcement.

3. Learned counsel appearing for the petitioner submits that despite passage of more than one and a half years, the execution has not reached its logical conclusion.

4. Learned counsel submits that the only prayer of the petitioner before this Court is to direct the National Commission to take up the Execution Application No. 108/2021 and dispose of the same in accordance with the guidelines laid down under the aforesaid judgments.

5. Learned counsel appearing for the respondent on advance notice raised some objections to this on the merits of the case.

6. The enforcement of the execution petition is the subject matter of the National Commission and this Court under Article 227 of the Constitution of India is merely to supervise the procedural errors and other material irregularities. This court cannot consider the merits of the matter, that too in an execution petition.

7. Accordingly, in deference to the orders of this Court in Execution Petition No. 275/2012 in the case *M/s. Bhandari Engineers & Builders Pvt. Ltd. (Supra)* as also the judgment of the Hon'ble Supreme Court in the case of *Rahul S. Shah (Supra)*, this Court requests the National Commission to endeavour to dispose of the Execution Application No.

108/2021 titled '*Ram Vilas Sharma & Ors. Vs. M/s. Gold Souk Infrastructures Private Limited & Anr.* expeditiously, preferably within the next three months.

8. The petition is disposed of with no order as to costs along with the pending application.

TUSHAR RAO GEDELA, J .

MAY 4, 2023

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