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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 10.08.2023

+ CM(M) 760/2022 & CM APPL. 33740/2022

NITIN AGARWAL Petitioner

Through: None.

versus

AMIT AGARWAL AND OTHERS Respondent

Through: Ms. Nikita Sharma, Advocate for R-2,
3, 5 – 10, 12-26.

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

1. This petition filed under Article 277 of the Constitution of the India impugns the order dated 16.09.2021 passed by the National Consumer Disputes Redressal Commission ('NCDRC') in Execution Application No. 99/2020 titled as "**Amit Agarwal v. Shree Vardhman Infrahome Pvt. Ltd.**" and other connected matters, whereby the NCDRC directed the Petitioner herein to deposit his passport with the Registry of the NCDRC.
2. None appears on behalf of the Petitioner.
3. The learned counsel for the Respondents states that the Respondents herein are home buyers. She states that the impugned order dated 16.09.2021 was passed in execution proceedings. She states that in compliance with the interim relief granted by this Court on 25.08.2022, the Petitioner herein had duly travelled overseas and has thereafter on his return deposited the passport



with NCDRC.

3.1. She states that on 26.07.2023, the Petitioner herein has filed a substantive application before NCDRC for seeking a direction for permanent release of his passport.

3.2. She states that the matter was argued and orders have been reserved on the said application. She states that since the Petitioner herein has availed his remedy by filing a fresh application before the NCDRC for the same relief as sought in this petition; and considering the fact that the Petitioner has not been appearing in this matter since 20.12.2022, the present petition be disposed of.

4. This Court has considered the submissions of the learned counsel for the Respondents and perused the record.

5. In view of the fact that the Petitioner has already approached NCDRC in a fresh application for same reliefs, the present petition is disposed of as infructuous; reserving however, the Petitioner's rights to challenge the order, which may be passed by NCDRC in his application dated 26.07.2023 without being prejudiced by the disposal of this petition.

6. Accordingly, the present petition is disposed of as infructuous. The pending application stand disposed of.

न्यायमेव जयते

MANMEET PRITAM SINGH ARORA, J

AUGUST 10, 2023/msh/sk

[Click here to check corrigendum, if any](#)