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

Date of decision: 29.11.2023

+ **CM(M) 1964/2023 & CM APPL. 61438/2023**

RAJINDER KHURANA

..... Petitioner

Through: Mr. Aaditya Vijaykumar, Ms. Liza M. Baruah and Mr. Akshit Mohan, Advs.

versus

IMPERIA WISHFIELD PVT LTD

..... Respondent

Through: None.

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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 is filed under Article 227 of the Constitution of India, seeking time bound directions to the State Consumer Dispute Redressal Commission ('State Commission'), to dispose of the consumer complaint pending before the said Commission.

1.1 The Petitioner herein is the complainant and the Respondent is the opposite party before the State Commission.

2. None appears for the Respondent despite advance notice.

3. The learned Counsel for the Petitioner states that the pleadings in the matter is complete and the Petitioner has filed his evidence affidavit.

2.1 She states that the Respondent has failed to file its evidence affidavit despite multiple opportunities given by the State Commission.

2.2 She states that the matter was set down for final arguments on



17.03.2023; however, on account of the unavailability of the Respondent and due to the administrative difficulties of the Commissioner, the consumer complaint has not been taken up for final hearing.

2.3 She states that the amount involved in the complaint is refund of Rs. 9,37,100/- which the Petitioner had deposited at the time of booking of built-up space with the Respondent, Builder.

4. This Court has considered the submissions of the learned Counsel for the Petitioner and perused the record.

5. The order sheet of the complaint proceedings bears out the submissions of the Petitioner. It is also evident that the Respondent, Builder, has failed to file evidence affidavit despite opportunities.

6. Accordingly, in the facts of the case, this petition is disposed of with the following directions:

- i. The Petitioner herein is directed to file an appropriate application before the learned State Commission, enclosing the copy of this order within two (2) weeks, so as to enable the State Commission to issue appropriate directions to the Respondent for filing its evidence affidavit, if it so elects. And, to ensure the matter is taken up for final hearing on 17.04.2024.
- ii. The registry of the State Commission is directed to list the application expeditiously within two (2) weeks from its filing.
- iii. The learned State Commission is requested to grant a final opportunity to the Respondent to file its evidence affidavit, and issue a direction that on failure to file the affidavit, the right of the Respondent shall stand forfeited.
- iv. Subject to the aforesaid, the learned State Commission is requested to



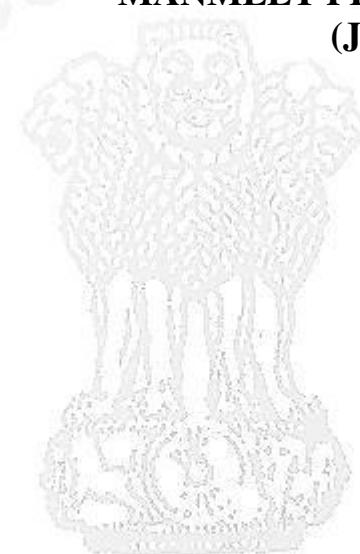
take up the matter for final hearing on 17.04.2024 i.e., the date already fixed before the Commission, and hear and decide the complaint expeditiously and preferably within two (2) months thereafter.

7. With the aforesaid directions, the present Petition stands disposed of.
8. Pending application(s) if any stands disposed of.

MANMEET PRITAM SINGH ARORA
(JUDGE)

NOVEMBER 29, 2023

Aks/sk



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