

2024:PHHC:082908



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

109+245

**CM-10057-CWP-2024 in/and
CWP-8554-2024 (O&M)**

Date of Decision: 04.07.2024

M/S YELLOWSTONE BUILDERS PVT. LTD.

... Petitioner

VERSUS

DEPUTY COMMISSIONER, MOHALI AND OTHERS

... Respondents

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

Present: Ms. Heena Singh, Advocate
for the petitioner/non-applicant.

Ms. Akshita Chauhan, DAG, Punjab
for respondents No.1 to 3.

Mr. K.K. Saini, Advocate
for respondents No.4 and 5.

Mr. B.S. Mittal- applicant in person
in CM-10057-CWP-2024.

VINOD S. BHARDWAJ, J. (ORAL)

CM-7288-CWP-2024

Allowed as prayed for subject to all just exceptions.

The Annexures P-11 and P-12 are ordered to be taken on record.

Registry is directed to tag the same at appropriate place of the paper book and
page mark the same.



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CM-10057-CWP-2024

This is an application for impleading the applicant as intervener filed by the advocate who had represented the petitioner-company in the proceedings before the District Consumer Disputes Redressal Commission, for clearance of his outstanding payments.

Considering that the main writ petition has itself been sought to be withdrawn by the petitioner, there is no further occasion for entertaining the instant application.

Faced with the above, the applicant seeks withdrawal of the present application so as to avail his remedies in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

MAIN CASE

Challenge in the present petition is to the Auction Notice dated 03.04.2024 issued by the Tehsildar, Mohali-cum-Auction Officer as directed by the State Consumer Disputes Redressal Commission, Chandigarh vide order dated 13.03.2024 in Execution Application No.86 of 2021.

When the matter came up for preliminary hearing on 18.04.2024, learned counsel for the petitioner had undertaken to deposit the entire outstanding amount. An interim order was also passed to the effect that the auction proceedings of the property in question may not be finalized in the event of the petitioner depositing the entire outstanding amount.

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Today on resumed hearing, learned counsel for the petitioner contends that the entire amount has already been deposited by the petitioner-company before the Executing Court and that the Execution Application No.86 of 2021 has been disposed of as fully satisfied. She thus contends that she has no further subsisting grievance insofar as the aspect of initiation of auction proceedings by the State Consumer Disputes Redressal Commission is concerned, and that the order of attachment has also been withdrawn by the District Consumer Disputes Redressal Commission. She further contends that the said amount has already been disbursed to the respondents subject to furnishing an indemnity bond to the effect that in case the High Court or any other competent Court directs them to refund the amount as ordered, they will refund the same, failing which their property shall have the first charge upon the said amount.

Counsel for the petitioner further informs that the first Appeal No.632 of 2021 is already pending before the National Consumer Disputes Redressal Commission, New Delhi.

Under the given circumstances, since the contingency event compelling the petitioner to approach this Court seems to exist, she has instructions to withdraw the present writ petition without prejudice to her right to pursue the said appeal and that the amount disbursed is already subject to the final outcome of the pending appeal.

In view of the aforesaid statement, the present writ petition is disposed of as withdrawn without prejudice to the petitioner-company to



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assert its rights in the appeal/ancillary proceedings pending before the National Consumer Disputes Redressal Commission, New Delhi.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

JULY 04, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No