

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-11768-2022

Date of decision: 31.01.2024

MUNNA GUPTA

.....Petitioner

VERSUS

**DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION, SIRSA AND ANOTHER**

.....Respondents

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

Present:- Mr. Aashish Chopra, Sr. Advocate with
Mr. Vaibhav Narang, Advocate and
Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Sandeep S. Majithia, Advocate for
Mr. Munish Raj Chaudhary, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the orders dated 08.11.2021 (Annexure P-4) whereby the bailable warrant had been issued by the District Consumer Disputes Redressal Commission, Sirsa under Section 72 of the Consumer Protection Act, 2019 for failing to comply with the order dated 06.02.2020 passed by the learned Commission. Challenge was also raised to the order dated 09.02.2022 (Annexure P-6) which was a Warrant of Arrest and the order dated

07.04.2022 whereby the bail application moved on behalf of the petitioner had been declined and he was sentenced to undergo six months imprisonment and to pay a fine of Rs. 50,000/- in default.

Counsel for the respondent No.2 contends that the petitioner/the judgment debtor has already deposited the awarded amount of Rs. 6,11,808/- and alongwith the fine as imposed. The same had been deposited with the District Consumer Disputes Redressal Commission, Sirsa, however, the disbursement of the said amount has been stayed vide order dated 02.06.2022. Counsel for the respondent No.2 has no objection in case the above said order sentencing the petitioner is set aside and that the awarded amount already deposited by the petitioner be ordered to release in his favour as full and final settlement of all his dues.

Learned counsel appearing on behalf of the petitioner also agrees to the same.

Having heard the learned Counsels appearing on behalf of the respective parties and having noticed that the awarded amount has already been deposited and the respondent No.2-decree holder has no objection to the sentence being waived.

The present writ petition is allowed. The impugned orders including order dated 07.04.2022 sentencing the petitioner to six months simple imprisonment is accordingly set aside. The amount already deposited by the petitioner with the Executing Court-District Consumer Disputes Commission, Sirsa be released within period of four weeks of receipt of certified copy of this order in favour of the

respondent No.2-complainant alongwith accrued interest, if any, thereupon towards full and final settlement of the claim.

(VINOD S. BHARDWAJ)
JUDGE

JANUARY 31, 2024

Vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No