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

% ***Date of decision: 19th September, 2024***

+ **CM(M) 2325/2024 & CM APPL. 21344/2024**

RAHEJA DEVELOPERS LIMITED & ANR.Petitioner

Through: Mr. Rajshekhar Rao, Sr. Advocate
with Mr. Siddharth Banthia and Mr.
Chandan Malav, Advocates.

versus

BHUWAN CHOPRA & ORS.Respondents

Through: Mr. Aditya Parolia with Mr. Debesh
Panda, Mr. Alankrit Bhat Nagar, Mr.
Suryansh Vashishth and Ms. Anvita
Priyadarshi, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT (oral)

1. The present petition has been filed by Raheja Developers Limited and Mr. Naveen M. Raheja, its Managing Director under Article 227 of the Constitution of India and impugns order dated 09.02.2024, 29.02.2024 and 05.04.2024 passed by learned National Consumer Disputes Redressal Commission (in short 'NCDRC').
2. The prime grievance is issuance of non-bailable warrants against judgment debtor no. 2 Mr. Naveen M. Raheja. It is contended that learned NCDRC did not consider that there was moratorium under Section 96 of Insolvency and Bankruptcy Code, 2016 and continued to proceed with the Execution Petition. It was contended that the Directors were even otherwise not personally liable for the debt of the company and, therefore, petitioner no.



2 could not have been impleaded as party to the execution proceedings merely because he was its Managing Director.

3. During course of the consideration, learned counsel for respondent/decree holder apprised that as on date there was no coercive process against any such Director.

4. During course of arguments, various proposals were exchanged between the parties.

5. After hearing arguments from all the sides, the parties are *ad idem* on the following aspects:-

a. The Execution Petition is now listed before the learned National Consumer Disputes Redressal Commission on 14.10.2024 and on or before that day, Judgment Debtor No. 1 Company i.e. Raheja Developers Limited would submit reply of the applications moved under Section 51 CPC and Order XXI Rule 41(3) CPC.

b. Without prejudice to its rights and contentions, Judgment Debtor Company is permitted to file affidavit under Order XXI Rule 41 CPC, if not already filed. This be also done on or before 14.10.2024.

c. As per learned counsel for Decree Holder, as on date, there is no coercive process in the shape of bailable warrants or non-bailable warrants existing against any of the Directors of Judgment Debtor Company and they would also, in view of the above, not make any such application, till the time Judgment Debtor Company extends best cooperation to the learned NCDRC.

d. As undertaken by the learned counsel for the Decree



Holder, in case, the above said compliance is there, they would not even move any application seeking issuance of any coercive process like warrants etc. against the directors of Judgment Debtor No. 1 Company.

e. Judgment Debtor Company also ensures that besides its Authorised Representative, one Director of Judgment Debtor Company would also keep on appearing before learned NCDRC to render due assistance and cooperation in relation to proceedings pertaining to the Execution Petition in question.

6. The present petition, with the consent of all concerned, stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

SEPTEMBER 19, 2024/sw