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

+ **CM(M) 2796/2024**

**ANKIT GUPTA**

..... Petitioner

Through: Mr. Zorawar Singh, Mr. Hitesh, Mr. Jayant Rastogi and Mr. Sudhanshu Ghai, Advocates.

versus

**GITANJALI KAPOOR & ANR.**

..... Respondents

Through: Mr. Sumeet Kapoor, Advocate for Respondent No.1.

**CORAM:**

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

**ORDER**

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**10.06.2024**

**I.A. 35257/2024 (Exemption)**

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

**CM APPL. 35256/2024 (under Section 151 CPC for ex-parte interim stay)**

3. The application under Section 151 CPC has been filed on behalf of the petitioner seeking ex-parte cancellation of non-bailable warrants issued *vide* Order dated 20.05.2024 in Execution Application No. 39/2016 by the learned District Consumer Disputes Redressal Forum-IV, District New Delhi, Delhi.
4. It is submitted that the NBWs have been issued against the petitioner, who is the erstwhile Director of the respondent No. 2, a Company which is going into liquidation and the proceedings are pending before the NCLT.



5. A prayer is made that interim protection be given to the petitioner and the NBWs may be cancelled.

6. Learned counsel appearing on behalf of the complainant has submitted that a similar petition has already been filed before the State Consumer Forum and the matter has got listed on 19.07.2024. It is further clarified that the State Commission is not on the vacation but is fully functional. It is, therefore, submitted that once the alternative remedy was available and has been availed, no protection is warranted in the present Case.

7. **Submissions heard.**

8. Considering that the State Consumer Forum is already functioning and the petitioner has already filed an application before the State Commission, no orders are warranted in the present application, which is hereby dismissed.

9. Learned counsel for the petitioner submits that he shall be filing an early hearing application before the State Commission Forum, till then interim protection may be given. The interim protection against any coercive action is given for 7 days within which the petitioner may approach the State Commission.

10. The Petition is accordingly dismissed and disposed of.

**NEENA BANSAL KRISHNA  
(VACATION JUDGE)**

**JUNE 10, 2024/RS**