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

% ***Date of decision: 23rd July, 2024***

+ **CM(M) 2806/2024 & CM APPL. 41162/2024**

PINEVIEW CONSTRUCTION AND TILES PVT LTDPetitioner

**Through: Mr. Manish K. Srivastava with
Mr.Hardik Vashisht, Advocates.**

versus

UNION OF INDIA & ORS.Respondents

**Through: Mr. Varun Vats, SPC for UOI.
Mr. A.K. Thakur with Mr. Rishi Raj,
Mr. Sujeet Kumar and Mr. Ningthem
Oinam, Advocates for respondent
Nos.3 and 4.
Mr. S. Hanumantha Rao, Consultant.
Mr. Vivek Mahto, Dealing Assistant,
NCDRC.**

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. This case was lastly taken up on 16.07.2024 and is now fixed for 11.09.2024.
2. In the interregnum, an application, i.e. CM APPL. 41162/2024 has been moved by respondent No.3, praying therein that the date may be pre-poned and the arguments on the main petition be heard or, in alternate, the stay may be vacated.
3. With the consent of the parties, the matter is taken up today itself for the purposes of further consideration.
4. Learned counsel for the petitioner states that respondent No.1,



in the present context is not a necessary party and, therefore, his name may be directed to be deleted from the array of parties.

5. Ordered accordingly.

6. The challenge in the present petition is to order dated 21.05.2024.

7. It is in relation to the complaint which was taken up by the Hon'ble NCDRC on its original side.

8. As per the impugned order, the complainants were found to be "consumers" falling within the scope and ambit of the Consumer Protection Act, 1986.

9. Such order is under challenge.

10. In the present petition, the Registrar of NCDRC has also been made one of the respondents, *albeit*, unnecessarily. Sh. S. Hanumantha Rao, the Consultant, who was earlier posted as Registrar with NCDRC and has superannuated on 30.06.2024, is present. He states that as per the roster published on the website of the Hon'ble NCDRC, now all the Benches of Hon'ble NCDRC are having composition of, at least, two members.

11. This Court has noted the prime grievance raised in the present petition.

12. The complainants before the Hon'ble NCDRC are respondent Nos.3 and 4.

13. Learned counsel for respondent Nos.3 and 4 states that though the impugned order does not suffer from any infirmity as such, without prejudice to his rights and in order to ensure that there is no delay in the complaint filed by them, he would have no objection if



the aspect related to maintainability of the complaint in question is considered again by the concerned Bench of Hon'ble NCDRC which now comprises of two members.

14. It has also been apprised that the next date before the Hon'ble NCDRC is 29.07.2024.

15. Learned counsel for the petitioner also states that he would be left with no grievance if direction to said effect is passed.

16. In view of the above and also keeping in mind the concession given by the learned counsel for respondent Nos.3 and 4, the petition is disposed of with request to Hon'ble NCDRC to consider the aspect of maintainability of such complaint again without getting influenced by the observations appearing in its previous order dated 21.05.2024.

17. It is clarified that the above said order has been passed on the basis of the consent given by both the sides and keeping in mind the peculiar facts of the case and, therefore, it shall not be treated as a precedent.

18. Petition stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 23, 2024
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