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

+ CM(M) 27/2024 & CM APPL. 723/2024 (Interim Relief)

ANIL KUMAR SHARMA & ANR.

.....Petitioners

Through: Mr. Ashwin Kumar Nair and Mr. Wazid Hasan, Advocates.
Mr. Ashwin Kumar Nair, Advocate for IRP.
Mr. Sandeep Sharma, Senior Advocate with Mr. Brighu Dhyani, Ms. Kanchan Semwal, Mr. Ritesh Chopra, Advocates.

versus

SANJIV TRIKHA

.....Respondent

Through: Mr. Sunil Dalal, Senior Advocate with Mr. Amit Trikha, Advocate.

21.

+ CM(M) 2132/2023 & CM APPL. 66940/2023 (Interim Relief)

SANGITA ARORA AND ANR & ANR.

.....Petitioners

Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Brighu Dhyani, Ms. Kanchan Semwal, Mr. Ritesh Chopra, Advocates.
Mr. Ashwin Kumar Nair, Advocate for IRP.

versus

SANJIV TRIKHA

.....Respondent

Through: Mr. Sunil Dalal, Senior Advocate with Mr. Amit Trikha, Advocate.



CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
13.12.2024

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1. The petition impugns the orders dated 31.07.2023 and 23.11.2023, passed by the Delhi State Consumer Disputes Redressal Commission [**'State Commission'**], by virtue of which Non-Bailable Warrants [**'NBW'**] have been issued against the petitioners herein.
2. Such warrants have been issued in execution proceedings preferred by the respondent, being the decree holder for the execution of the judgment dated 18.02.2021 passed by the State Commission.
3. Mr. Sandeep Sharma, learned Senior Counsel for the petitioners submits that an application was filed before the State Commission for cancellation of warrants issued on 31.07.2023, which was dismissed vide order dated 18.08.2023. Thereafter, petitioners preferred an appeal before the National Consumer Disputes Redressal Commission [**'National Commission'**], which was also dismissed vide order dated 22.11.2023.
4. Mr. Sharma further submits that execution has been filed only against M/s Supertech Limited and not against the directors and moreover, petitioners in CM (M) 27/2024 are suspended directors, while in CM(M) 2132/2023, petitioners are not even the directors. He further submits that project in question i.e., 34 Pavillion, Plot No. C-78, Sector 304, Noida-201301 is under the control and management of leaned IRP, appointed by the National Company Law Tribunal.
5. Mr. Sunil Dalal, learned Senior Counsel appearing on behalf of respondent refutes that petitioners are not directors. However, in all fairness,



he submits that respondent is ready to grant a concession that NBWs issued by the State Commission may be cancelled. He prays that matter may be remitted back to the State Commission with directions to the petitioners to appear before the State Commission and to contest the execution by putting forth all their contentions.

6. Mr. Sharma representing the petitioners has no objection in case the matter is remitted to the State Commission after cancellation of NBWs of the petitioners.

7. In the facts and circumstances as also concession granted by the respondent, NBWs of the petitioners are cancelled with directions to both the sides to appear before the State Commission in execution proceedings, listed on 08.01.2025 and to urge all their contentions.

8. It is made clear that this order is without prejudice to the rights and contentions of both sides.

9. Petition stands disposed of in terms of aforesaid order.

RAVINDER DUDEJA, J

DECEMBER 13, 2024/vp