

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 921/2025

(M/s. Ayushi Construction & ors. Vs. Dattatray Bapurao Khiratkar)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Mr. Parth Malviya, Advocate for petitioner.

CORAM: M. M. NERLIKAR, J.

DATED : 17/11/2025.

Heard the learned counsel for the petitioner.

2. It appears that the petitioner has not complied the order dated 17.09.2019 passed by the District Consumer Disputes Redressal Forum, Nagpur and therefore, Darkhast Proceedings are filed, wherein the petitioner was convicted and sentenced to undergo one year simple imprisonment. Against this order, the petitioner filed First Appeal. By detailed order, the State Consumer Disputes Redressal Commission, Circuit Bench Nagpur dismissed the appeal vide order dated 16.10.2025 and confirmed the order dated 17.09.2019 passed by the District Consumer Disputes Redressal Forum, Nagpur in Darkast Proceedings. Against this order i.e. order dated 16.10.2025 passed in First Appeal No. 19/2022, the present writ petition is preferred.

3. I have heard learned counsel for the petitioner. It is necessary to mention at this juncture that the original complaint was filed in the year 2013 and the order is passed by the District Consumer Disputes Redressal Forum on 15.04.2015. For execution of the said order, the

original complainant filed the Darkhast Proceedings and on 17.09.2019, the Court was constrained to pass the order under Section 27 of the Consumer Protection Act by directing the petitioners to undergo one year simple imprisonment and Rs.10,000/- cost is imposed. As the first appeal was preferred, the same was decided on 16.10.2025. Between this intervening period, though the petitioners got more than ten year to comply the order they have partly complied with the order as was observed by the Appellate Forum. It further observed that possession offered without the requisite completion certificate is illegal and purchaser cannot be compelled to take such possession under such circumstances. Therefore, the conduct of the petitioners can be gathered from the above chronology that both the petitioners are not interested in complying the order in its true letter and spirit. I do not find any error or perversity in the impugned order.

4. Considering the above facts, I am not inclined to grant any relief, hence the petition is dismissed.

(M. M. NERLIKAR, J.)