



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.06.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[PD](MD)No.1802 of 2025

and

C.M.P.(MD)No.9881 of 2025

1.Astronio Properties Private Limited,
represented through its Director,
P.Sasikumar

2.Astronio Properties Private Limited,
represented through its Managing Director,
G.Rajkumar

..Petitioners

Vs.

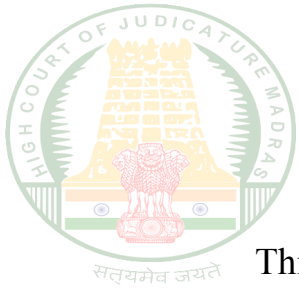
A.Vignesh Moorthy

...Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the order dated 13.05.2025 passed by the District Consumer Redressal Forum, Theni in C.M.P.No.22 of 2025 in E.A.No.48 of 2024 insofar as imposing condition on the petitioners to pay a sum of Rs. 5,71,425/- to the decree holder.

For Petitioners

: Mr.R.J.Karthick



ORDER

This Civil Revision Petition has been filed seeking orders to set aside the order dated 13.05.2025 passed by the District Consumer Disputes Redressal Commission, Theni in C.M.P.No.22 of 2025 in E.A.No.48 of 2024, insofar as it imposes a condition on the petitioners to pay a sum of Rs.5,71,425/- (Rupees Five Lakhs Seventy One Thousand Four Hundred and Twenty Five only) to the decree holder / respondent.

2. The learned counsel appearing for the petitioners would submit that the petitioners are respondent Nos.1 and 2 in C.C.No.38 of 2024 on the file of the District Consumer Disputes Redressal Commission, Theni. The respondent/complainant filed a complaint under Section 35 of the Consumer Protection Act, 2019 against the petitioners and two others seeking directions to refund a sum of Rs.5,00,000/- with penal interest from the date of remittance till realization; pay a sum of Rs.50,000/- towards unfair trade practice and deficiency in service; pay a sum of Rs.50,000/- as compensation for mental agony suffered by the complainant and his family; and pay litigation costs of Rs.20,000/- along with such other reliefs as the Forum may deem fit.

3. The case of the respondent is that, having seen the advertisements issued by the petitioners, the respondent booked a TNRERA and DTCP-approved housing plot by remitting a sum of Rs.8,00,000/- in cash, as



demanded by the petitioners. Upon payment of Rs.5,00,000/-, he was issued a Customer ID and receipt. The petitioners assured him that the plot would be registered and possession handed over within six months from payment of the remaining Rs.3,00,000/-, and that the registration would be completed on or before 19.02.2024. However, despite repeated requests, the registration of the plot was not completed. Consequently, the respondent filed a consumer complaint on 29.04.2024. After hearing both sides and examining the records, the District Consumer Disputes Redressal Commission, Theni, by an order dated 15.07.2024, directed the petitioners to refund a sum of Rs.5,00,000/- (Rupees Five Lakhs only) within a period of one month from the date of receipt of the order; Pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) for unfair trade practice; Pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards compensation for mental agony; and Pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) as costs. The Forum further directed that if the amounts were not paid within the stipulated time, the petitioners would be liable to pay the compensation amount of Rs.50,000/- (Rs.25,000/- + Rs.25,000/-) with 9% interest per annum from the date of filing the complaint until realization.

4. For non-compliance with the above said order, the respondent filed an application in E.A.No.48 of 2024 before the District Consumer Disputes Redressal Commission, Theni, and the Forum issued a warrant on 04.04.2025 to



the petitioners. To recall the warrant, the petitioners filed C.M.P.No.22 of 2025.

The said petition was allowed on 13.05.2025 with a direction to the petitioners to deposit a sum of Rs.5,71,425/- (Rupees Five Lakhs Seventy One Thousand Four Hundred and Twenty Five only) to the respondent / decree-holder within 20 days i.e., from 03.06.2025, failing which the warrant issued in E.A.No.48 of 2024 would remain. In the mean time, the petitioners filed an appeal in R.P.SR.No.1583 of 2024 under Section 47 1(b) of the Consumer Protection Act, 2019 before the Circuit Bench of State Consumer Disputes Redressal Commission, Madurai, seeking to set aside the order dated 15.07.2024 made in C.C.No.38 of 2024 and to dismiss the complaint filed by the respondent and the same has not yet been numbered. Aggrieved by the conditional direction to deposit the amount, the present Civil Revision Petition has been filed.

5. The learned counsel for the petitioners would submit that the transaction occurred under the project "Western Valley – Lakshmipuram" and that a sum of Rs.5,00,000/- was received from the respondent. He submits that the said project was promoted by the petitioners' concern, which is a sister concern of Neomax, and due to attachment proceedings initiated by the State Government under the Tamil Nadu Protection of Interest of Depositors (in Financial Establishments Act, the Company is unable to refund the said amount. He would further submit that the entire property has been attached, leaving the Company without means to comply with the Consumer Forum's order. Despite



this, the District Consumer Disputes Redressal Commission, Theni, proceeded to issue a warrant without jurisdiction, which is under challenge before the Circuit Bench of State Consumer Disputes Redressal Commission, Madurai, in an appeal filed against the order made in C.C.No.38 of 2024.

6. It is further submitted by the petitioners that, since the jurisdictional issue is pending before the appellate authority and no interim order has been obtained, the conditional order passed by the Forum is not sustainable, and therefore, the same is liable to be set aside.

7. Since no adverse orders are going to be passed against the respondent, notice to the respondent is dispensed with.

8. On perusal of the records, this Court finds that the following facts are not in dispute:

- i. The petitioners received a sum of Rs.5,00,000/- from the respondent for the purchase of a housing plot;
- ii. The petitioners assured that the registration would be completed on or before 19.02.2024. However, no registration was effected within the promised period;
- iii. The Consumer Forum passed a well-reasoned order in C.C.No.38 of 2024 directing refund and compensation. Unfortunately, no appeal was filed by



the petitioners within time against the said order. Only after the issuance of a warrant in execution proceedings, the petitioners filed an appeal and simultaneously sought recall of the warrant. But, the trial Court rightly recalled the warrant conditionally, directing the petitioners to deposit a sum of Rs. 5,71,425/- to the respondent / decree holder.

9. This Court finds no infirmity or perversity in the order passed by the District Consumer Disputes Redressal Forum. In the absence of any stay or interim order from the State Consumer Forum, the executing Forum is justified in imposing such a condition while recalling the warrant. Accordingly, this Civil Revision Petition is devoid of merit and liable to be dismissed.

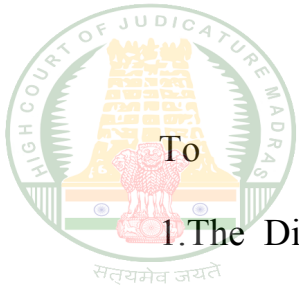
10. In the result, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

25.06.2025

Internet: Yes/No

Index: Yes/No

TSG



To

1.The District Consumer Redressal Forum, Theni.

2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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