



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

119

CWP-2507-2025.

Date of Decision: 11.02.2025.

ARDEE Infrastructure Private Limited

....Petitioner.

VERSUS

National Consumer Disputes Redressal Commission
and another

....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Rajeev Anand, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J. (Oral)

The petitioner has challenged the order dated 07.01.2025 (Annexure P-8) passed by respondent No.1-National Consumer Disputes Redressal Commission (for short, 'National Commission').

2. Learned counsel for the petitioner submits that the petitioner is aggrieved by Condition No.(iii) of the order dated 07.01.2025 (Annexure P-8), whereby the National Commission has stayed the order dated 19.07.2024 (Annexure P-3) passed by the District Consumer Disputes Redressal Commission (for short, 'District Commission'), but subject to the petitioner depositing the entire monthly rent received by him from the existing tenant of the shop with the Registry of the State Consumer Disputes Redressal Commission (for short, 'State Commission'), till the appeal is decided by the

State Commission. He further submits that the petitioner has *prima-facie*, a good case on merits and is likely to succeed in the appeal inasmuch as the respondent No.2 had not paid the entire sale consideration.

3. Heard.

4. The shop in question was first allotted in favour of one M/s Scrut Scan Consultants Pvt Ltd in 2004. The respondent No.2 is stated to have purchased the aforementioned shop located in the mall set up by the petitioner from M/s Scrut Scan Consultants Pvt Ltd. in the year 2008. However, the allotment of the shop had been canceled on 10.05.2018 as respondent no.2 had allegedly not deposited the remaining price of the shop. Respondent No.2 had thereafter preferred a complaint before the District Commission, which was allowed, vide order dated 19.07.2024 (Annexure P-3) and the cancellation was set aside. The petitioner was directed to deliver the physical possession of the shop within 30 days and pay a sum of Rs.5 Lakhs towards mental agony to the respondent no.2. Thereafter, the petitioner had preferred an appeal before the State Commission, which is pending adjudication. The petitioner had sought interim relief to the extent that the order passed by the District Commission be stayed, which was declined by the State Commission, vide order dated 24.09.2024 (Annexure P-6). Then the petitioner had approached the National Commission challenging the interim order dated 24.09.2024 (Annexure P-6). The National Commission vide the impugned order dated 07.01.2025 (Annexure P-8) had stayed the order dated 19.07.2024 of the District Commission, subject to the following conditions:-

“(i) Petitioner shall maintain status quo with respect to the shop in question and in no way create any third-party rights or any other charge on the said shop or enter into any agreement for sale of said shop etc. till the final disposal of the first appeal by the State Commission.

(ii) *The petitioner shall deposit the entire monetary part of the decree with the State Commission within three weeks from today (after adjusting the amount deposited earlier, if any).*

(iii) *The entire monthly rent received from the said shop from the tenant shall be deposited within seven days of its receipt from the existing tenant with the Registry of the State Commission on a monthly basis till the final disposal of the appeal by the State Commission. The petitioner shall submit the requisite lease deed and other document evidencing the quantum of rent and receipt of rent, etc., before the State Commission. It is clarified that the instructions with respect to the deposit of rent are w.e.f. date of this order.*

(iv) *The State Commission shall deposit the entire deposited amount by the petitioner including monthly rentals in an interest bearing fixed deposit with the Nationalised Bank.”*

5. We are of the considered view that the order of the National Commission, granting interim relief to the petitioner, in the afore-noted facts and circumstances, is justifiable. The appeal preferred by the petitioner is under consideration of the State Commission. The matter has to be finally adjudicated by the State Commission. The National Commission by the impugned order (Annexure P-8) while balancing the equities has directed the parties to maintain status quo and also directed the petitioner to deposit the rent received by it from the existing tenant with the Registry of the State Commission, as otherwise, in the event of the appeal of the petitioner being dismissed by the State Commission, it would be difficult to recover the amount from the petitioner.

6. Consequently, we do not find any illegality in the impugned order warranting interference by this Court at this stage and the petition stands dismissed.

7. At this juncture, learned counsel for the petitioner submits that the petitioner be granted one month's time to deposit the amount in terms of

the order of the National Commission. The request of the petitioner appears to be reasonable. Therefore, the petitioner may deposit the amount of rent received by it from the existing tenant with the Registry of the State Commission within a period of one month.

8. It is, however, clarified that we are not expressing any opinion on the merits of the matter. This order shall have no bearing on the appeal pending adjudication before the State Commission.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

11.02.2025
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No