

CWP-18988-2023 (O&M) &
connected petition.

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18988-2023 (O&M)
Date of Decision: 12.03.2025

SANGEETA KUMAR AND OTHERS -PETITIONERS

V/S

STATE CONSUMER DISPUTES REDRESSAL COMMISSION
AND OTHERS

-RESPONDENTS

CWP-19021-2023 (O&M)

SANGEETA KUMAR AND OTHERS -PETITIONERS

V/S

STATE CONSUMER DISPUTES REDRESSAL COMMISSION
AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Puneet Bali, Sr. Advocate assisted by
Mr. Gagandep Singh, Advocate,
for the petitioners no.1 and 2.

Petition *qua* petitioners no.3 and 4
already dismissed as withdrawn.

Mr. S.K.Panwar, Addl.A,G, Haryana.

Mr. Himansu Raj, Advocate and
Mr. Anshu Chaudhary, Advocate,
for respondent no.4 (through V.C.)

KULDEEP TIWARI, J. (Oral)

1. Through the instant petitions challenge is thrown to the show



cause notice dated 31.05.2022 (Annexure P-7), issued under Section 72 of the Consumer Protection Act, 2019, by respondent no.1-State Consumer Disputes Redressal Commission, UT, Chandigarh, in an execution application bearing No.33 of 2022. The petitioners no.1 and 2 further seeks quashing of impugned order dated 26.07.2023 (Annexure P-19), whereby a written proclamation under Section 82 of the Cr.P.C., 1973, has been issued against the petitioners.

2. Apart from above, various interim orders vide Annexures P-8, P-9 and P-11 to P-18, have been challenged, wherethrough, the proceedings have been initiated in the the execution application (*supra*), against the present petitioners.

3. Vide order dated 05.09.2023, at the time of issuing notice of motion, the instant petition *qua* petitioner no.3 and 4, was dismissed as withdrawn with liberty to them to avail alternate remedy as permissible under law, whereas, only petitioners no.1 and 2 proceeded to pursue the instant petition.

4. The challenge is thrown to the above proceedings on the premise that petitioners no.1 and 2, are neither whole time, nor Executive Directors, thus they are not responsible for non-payment of dues of the respondents by Raheja Developers Limited. Further, it was pleaded that the petitioners no.1 and 2, are independent Directors of the company and they were not even party to the proceedings initiated by private respondents before the learned State Consumer Disputes Redressal



Commission, Chandigarh.

5. Vide order (*supra*), the petitioners no.1 and 2 were granted the liberty to appear before the State Consumer Disputes Redressal Commission, Chandigarh, and pursue the remedy, and if they do so, till the next date of hearing, no coercive steps shall be taken against them.

6. The aforesaid direction was reiterated by the co-ordinate bench, as reflects in order dated 17.09.2024, which is extracted hereinafter:-

“Learned Senior Counsel appearing for the petitioners, at the outset, seeks permission to withdraw the instant petition qua petitioners No. 3 and 4 with liberty to avail remedy(s) as permissible by law.

Petition qua petitioners No. 3 and 4 is dismissed as withdrawn with liberty as aforesaid.

Learned Senior counsel for petitioners No. 1 and 2 submits that petitioners No. 1 and 2 are neither whole time nor Executive Directors, thus, they are not responsible for the non-payment of dues of the respondents by Raheja Developers Limited. The petitioners are independent Directors of the company and they were not party to the proceedings initiated by respondents before the State Consumer Disputes Redressal Commission, Chandigarh. There is an application pending before the Commission seeking dropping of proceedings against petitioners, however, Commission has not adjudicated the same.

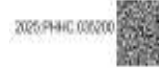
Notice of motion, returnable for 28.11.2023.

Process *dasti* as well.

In the meantime, the petitioners No.1 and 2 are at liberty to appear before the State Consumer Disputes Redressal Commission, Chandigarh and pursue their remedy and if they do so, till the next date of hearing, no coercive step shall be taken against them.

Photocopy of this order be placed on the file of the connected case. ”

7. Learned senior counsel appearing for the petitioners submits that in pursuance to the above liberty granted to petitioners no.1 and 2, they approached the State Consumer Disputes Redressal Commission,



Chandigarh, which is now seized of the matter.

8. The issue which has been raised before this Court, can very well be examined by State Consumer Disputes Redressal Commission, Chandigarh, as to whether, the petitioners are liable for a decree which was passed against the company, which is altogether a different entity.

9. Learned counsel for private respondents no.4, submits that the petitioners no.3 and 4 after withdrawing the instant petition, approached the National Consumer Disputes Redressal Commission, challenging some orders (*supra*), which have been assailed before this Court, and in that attempt they remained unsuccessful.

10. The Company as well as petitioners no.3 and 4 (*qua* whom petition already dismissed as withdrawn), approached the High Court of Delhi, also, and before that High Court, on the undertaking the following relevant observation was made, which is extracted hereinafter:-

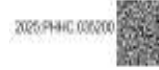
“CCM APPL. 64024/2023 in CM(M) 2039/2023 (for stay)

4. None appears on behalf of the Respondent despite advance service.

5. The learned senior counsel for the Petitioner states on instructions that the Petitioners will make payment of the decretal amount as per the payment schedule filed at 'Annexure 21' to this petition. He states that there is a typographical error in the said annexure and the dates of proposed instalments is for the year 2024 and not 2023.

5.1. He states that the Petitioners had duly complied with the National Commission's order dated 21.09.2023 as recorded by the State Commission in its order dated 22.11.2023.

5.2. He states on instructions from Petitioner Nos. 1 to 3 that the first instalment will be paid on or before 29.01.2024 and the last instalment will be paid on or before 29.09.2024. He states that all



nine (9) instalments will be paid on the dates set out in the said schedule.

6. The said statement of the Petitioners is taken record and Petitioner Nos. 2 and 3 are bound down to the said statement in their personal capacity.

6.1. In view of the said statement made before this Court, it is directed that no coercive proceedings will be taken against Petitioner Nos. 2 and 3 during the pendency of the present petition subject to the Petitioners complying with the said schedule.

7. The learned senior counsel for the Petitioner fairly states that the decretal amount mentioned in this payment schedule set out in Annexure 21' has not been confirmed by the Respondent.

7.1. It is accordingly clarified that the computation therein (Annexure 21) will not bind the Respondent and it will be open to them to file their counter computation.

7.2. The Respondent will be at liberty to move an application for any variation of this order.

8. List before the Joint Registrar (Judl.) on 11.01 2024

9. List before Court on 19.02.2024.

10. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.”

11. He further submits that all the subsequent events, which occurred after filing of the instant petition, are relevant, and were very well in the knowledge of petitioners no.1 and 2, ought to have been brought before this Court, as these have a direct bearing upon outcome of the instant *lis*.

12. Faced with the above, learned senior counsel for petitioners no.1 and 2, seeks permission of this Court to withdraw the instant petition, with liberty to avail alternate remedy as available to them, as per law.



13. **Dismissed as withdrawn**, with the aforesaid liberty.

A photocopy of this order be placed on the files of the
connected cases.

March 12, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No