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

+ W.P.(C) 853/2025

(93) ANTRIKSH REAL TECH PVT. LTD.Petitioner

Through: Mr. Mohit Mathur, Sr. Adv, Mr.
Amish Ram Dabs, Ms. Shreya
S.Dabas and Mr. Vignesh, Advs.

versus

ATUL SIBAL AND ORS.Respondents

Through: Ms. Mithu Jain and Mr. Shashwat
Jaiswal, Advs. for R-1 to 9.
Mr. Sanchit Garga and Mr. Bhanu
Pratap Singh, Advs. for R-11 and 12.
Mr. Shivinder Chopra and Mr. Karan
Arora, Advs. for R-57.

+ W.P.(C) 854/2025

(94) RAKESH YADAVPetitioner

Through: Mr. Chinmoy Sharma, Sr. Adv., Mr.
Amish Ram Dabas, Ms. Shreya
Dabas, Mr. Irfan Hasieb,
Mr.Khnishnajyoti Dekka and Mr.
Vikay Deora, Advs.

versus

ATUL SIBAL AND ORS.Respondents

Through: Ms. Mithu Jain and Mr. Shashwat
Jaiswal, Advs. for R-1 to 9.
Mr. Sanchit Garga and Mr. Bhanu
Pratap Singh, Advs. for R-11 and 12.
Mr. Shivinder Chopra and Mr. Karan
Arora, Advs. for R-57.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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23.01.2025

CM APPL.4192/2025 (Exemption) in W.P.(C) 853/2025

CM APPL.4194/2025 (Exemption) in W.P.(C) 854/2025



1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

W.P.(C) 853/2025 and CM APPL.4193/2025 (Stay)
W.P.(C) 854/2025 and CM APPL.4195/2025 (Stay)

3. The present petitions assail an order dated 27.12.2024, passed by the National Consumer Disputes Redressal Commission (NCDRC), New Delhi, and the proceedings in EA No.125/2023 seeking execution of a judgment / order dated 07.10.2022 passed by the NCDRC.
4. Learned senior counsel on behalf of Antriksh Real Tech Pvt. Ltd. submits that the proceedings before the NCDRC suffer on account of *coram non-judice* inasmuch as the proceedings are being conducted by a single member bench of NCDRC. He submits that in terms of Section 58(2) of the Consumer Protection Act, 2019 read with Rule 16 of the Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020 it is incumbent to constitute a bench comprising of at least two members. He submits that a single member bench is unauthorized to hear any complaint or any consequential proceedings, including an execution application. He relies upon an order dated 12.07.2023, passed by this Court in W.P.(C) 7912/2024 wherein in the context of an identical challenge on the ground of *coram non-judice*, this Court, in similar context, had relied upon the High Court of Rajasthan in ***Divisional Manager NIC Ltd. Jodhpur v. Rajasthan State Cons. Disp. Red. Commi.& Ors.***, S.B. Civil Writ No.1972/2012, held that the minimum coram of a bench of the State Commission shall be atleast two members. He submits that in terms of the statutory prescription the same position applies to the NCDRC as well.



5. The aforesaid order dated 12.07.2023 also takes note of the judgment of the Supreme Court in *State of Rajasthan vs. Kamal Travel Kokks International & Ors.*, SLP No.4969 of 2020, wherein it has been held that bench / benches of the National Commission must be constituted by atleast two members of the commission, one of whom may be the President.

6. In the light thereof, it is submitted that the impugned order and the proceedings themselves, deserve to be set aside on this ground alone.

7. It is contended that there are other factual grounds to assail the directions contained in the impugned order but for the moment, learned senior counsel for the petitioner confines his submissions to the aforesaid jurisdictional aspect.

8. After some hearing, with the consent of the parties, in order to obviate the technical objection raised by learned senior counsel for the petitioner, the present petitions are disposed of with a request to the President of NCDRC to constitute a bench, comprising of atleast two members, to hear execution application No.125/2023 and all proceedings emanating out of or relating to consumer complaint no.1808/2017, which culminated in judgment / order dated 07.10.2022 passed by the NCDRC.

9. The impugned order is, consequently, set aside and the matter is left open for consideration by the concerned (re-constituted) bench. It shall be for the re-constituted bench to pass such other and further order/s as may be deemed fit in the facts and circumstances of the case. It is made clear that this course is being adopted, with the consent of the parties, only to obviate the technical objection/s raised by learned senior counsel for the petitioner,

10. Learned counsel for the respondents has drawn attention to certain judgments including the judgment passed by the Supreme Court in *Rahul S.*



Shah vs. Jinendra Kumar Gandhi & Ors., Civil Appeal Nos.1659-1660 of 2021, wherein it has been emphasized that Executing Court must dispose of the proceedings as expeditiously as possible.

11. Since the complaints filed under Section 12(1)(c) of the Consumer Protection Act, 2019, which emanate from the impugned proceedings, as far back as year 2017, it would be apposite if the execution proceedings are disposed of as expeditiously as possible. Accordingly, it is directed that the execution proceedings shall be heard by the concerned bench on priority and an endeavour shall be made to dispose of the same within a period of six months from today. The concerned bench is requested to schedule hearing/s at short intervals so that the execution is disposed of within the said period.

12. It is made clear that this Court has not commented on the rival contentions of the parties as regards the legality of the impugned proceedings and/or the directions contained in the impugned order. All rights and contentions of the parties are left open to be considered by the concerned bench.

13. Let the matter be placed before the re-constituted bench on 12.02.2025, the date already fixed (in EA No.125/2023).

14. Order *dasti*.

JANUARY 23, 2025/cl

SACHIN DATTA, J