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

+ W.P.(C) 4948/2025 and CM APPL.22686/2025 (Stay)

YOGESH MAAN AND ANRPetitioners

Through: Mr. Nitin Saxena, AR in person.

versus

M/S IMPERIA STRUCTURES PVT LTD

.....Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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21.04.2025

CM APPL.22687/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 4948/2025 and CM APPL.22686/2025 (Stay)

3. The petitioner in the present petition seeks the following prayer:

“a . Issue a writ, order or a direction in the nature of certiorari for setting aside/ quashing of order dated 18.12. 2024 passed by National Consumer Disputes Redressal Commission, New Delhi in MA/ 680/ 2024 in Consumer Complaint no. 3072 of 2017;

b. Issue a writ of mandamus thereby directing the NCDRC to decide the execution petition as early as possible as the same is pending for the last six years.”

4. The petitioner impugns an order dated 18.12.2024 passed by the National Consumer Dispute Redressal Commission (NCDRC) in MA no. 680/2024 in EA No. 300/2019 in C.C. No. 3072/2017 (hereinafter referred as ‘the impugned order’), whereby, the NCDRC imposed a cost of Rs. 10,000/- upon the petitioners. The impugned order reads as under:



“1. MA No. 680 of 2024 which is shown to be filed in CC No. 3072 of 2017 is actually filed in EA No. 300 of 2019 in CC No. 3072 of 2017.

2. Heard authorised representative of the applicant/decreed holder and learned counsel representing the non applicant/JD. Learned counsel representing the JD categorically reiterated his statement made earlier on 07.08.2024 that decree in question has been fully satisfied and nothing more remains to be paid while authorised representative of the decree holder states that an amount of Rs.17.53 lacs is still remaining to be paid. However, he is not in a position to state clearly as to how much total amount is payable under the decree dated 29.07.2019 as per his own calculation and how much amount he has received till date under the said decree.

3. Learned counsel for the JD on the other hand states that they have already paid a sum of Rs.1,21,06,166/- under the said decree and same is fully satisfied.

4. In view of the foregoing, we allow the MA and restore the EA No. 300 of 2019 to its original number. This is subject to imposition of cost of Rs.10,000/- on the applicant/ decreed holder to be deposited in Consumer Legal Aid Account-NCDRC within 2 weeks from today.

5. MA No. 680 of 2024 stands disposed of.

6. Decree Holder is granted 2 weeks time to file on affidavit, detailed calculation alongwith basis of calculation, strictly in accordance with decree dated 29.07.2019 and share the same with the JD, who will have 2 weeks time to recheck the calculation and file response, if any on affidavit alongwith their calculations. The issue whether decree has been fully satisfied or not and whether any amount is still payable to the DH, shall be taken up on the next date of hearing after looking the calculations of both sides.”

5. Against the impugned order, the petitioner filed a review application before the NCDRC, however, the *vide* order dated 12.02.2025, the said application was dismissed.

6. In the aforesaid conspectus the petitioner has approached this Court to set aside the impugned order *viz.* cost imposed upon the petitioner as well as to direct the NCDRC to decide the execution petition filed by the petitioner



expeditiously.

7. The quantum of the cost imposed *vide* order dated 18.12.2024 is nominal. The imposition of such cost/s is within the discretion of the NCDRC. Given the scope of these proceedings under Article 226 of the Constitution of India, this Court finds no basis to interfere with the same.

8. As regards prayer (b) of the present petition, whereby it has been sought that NCDRC be directed to expeditiously decide the execution petition, this Court is not inclined to pass any peremptory order/s at this stage, except to request the concerned Bench of the NCDRC, to make an endeavour to decide the execution petition as expeditiously as possible.

9. Accordingly, the present petition is disposed of.

SACHIN DATTA, J

APRIL 21, 2025/sl