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

+ W.P.(C) 5688/2025 and CM APPLs.25986/2025, 25987/2025  
ANAND RATHI GLOBAL FINANCE LTD .....Petitioner

Through: Mr. Manu Sharma, Sr. Adv., Mr.  
Varun Kalra and Mr. Kartik Khanna,  
Advts.

versus

RITA MALHOTRA & ORS. ....Respondents

Through: Mr. Swayam S. Pahi, Adv. for R-1  
and 2.

**CORAM:**

**HON'BLE MR. JUSTICE SACHIN DATTA**

**ORDER**

**01.05.2025**

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**W.P.(C) 5688/2025 and CM APPL.25985/2025 (Stay)**

1. The present petition has been filed by the petitioner being aggrieved with orders dated 17.03.2025 and 28.04.2025, passed by The District Consumer Dispute Redressal Commission (hereinafter referred as “the District Commission”) in EA No.85/2024 in CC No.253/2023, whereby the Non Bailable Warrants (NBWs) have been issued against the officials of the petitioner, returnable on 02.05.2025.

2. The impugned orders came to be passed in a backdrop of an order date 30.04.2024 (hereinafter referred as ‘the final order’) passed by the District Commission in CC No. 253/2021, in terms of which the complaint filed by respondent nos. 1 and 2 against the petitioner and respondent no.3 was allowed. In terms of the final order, the petitioner and respondent no.3 were held jointly and severally liable to pay a sum of Rs. 1,75,00,000/- along with interest @ 7% per annum (from the date of execution of policy/sanction of loan till realization) along with Rs.50,000/- for mental

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agony and Rs. 25,000/- as litigation costs to the respondent nos.1 and 2.

3. Against the final order, the petitioner on 01.07.2024 under Section 40 of the Consumer Protection Act, 2019, preferred a review application before the District Commission. While the said review application was pending, respondent no.3 on 15.07.2024 preferred an appeal (FA No.499/2024) against the final order before the State Consumer Dispute Redressal Commission (hereinafter referred as “the State Commission”).

4. Subsequently, while the aforesaid appeal and application were pending, the respondent nos. 1 and 2 filed an Execution Application bearing no.85/2024 before the District Commission.

5. It is submitted that on account of the appeal against the final order pending before the State Commission, the District Commission on 25.09.2024 deferred the hearing of proceedings in review application and renotified the execution application. It is pointed out that *vide* order dated 08.08.2024 and 25.09.2024, the District Commission had directed listing of the aforesaid applications together, however, due to some inadvertent error the execution application was listed separately on 17.03.2025 (impugned order) and resultantly the petitioner remained unrepresented on the said date. In the aforesaid conspectus, on the said date, the District Commission issued NBWs against the officers of the petitioner on the premise that the petitioner failed to comply with the directions contained in the final order.

6. Pursuant thereto, the petitioner moved an application for recalling order dated 17.03.2025, under Section 72(2) of Bharatiya Nagrik Suraksha Sanhita, 2023 read with Section 70(2) of the Code of Criminal Procedure, 1973, before the District Commission. However, it is stated that *vide* order dated 28.04.2025 (it is submitted that the said impugned order is not

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available) the matter was simply renotified for 02.05.2025. In the aforesaid circumstances, the present petition has been filed by the petitioner.

7. Learned senior counsel for the petitioner submits that issuance of NBWs is wholly unjustified in the facts and circumstances of the case inasmuch as a Review Application filed by the petitioner against the final order dated 30.04.2024 passed by the District Commission, is pending and under active consideration. It is submitted that issuance of NBW is an extreme measure which is unwarranted in the facts of the present case.

8. Learned senior counsel for the petitioner submits that the respondent no.3 in their appeal filed before the State Commission have already deposited 50% of the decretal amount under the final order.

9. During the course of hearing, learned senior counsel for the petitioner submits and undertakes, on instructions, that the petitioner is also agreeable to deposit 50% of the amount awarded by the District Commission i.e. Rs.87,50,000/-. He submits that the same shall be deposited with the District Commission in the pending execution proceedings within one week from today. The said statement is taken on record.

10. In view of the said undertaking to deposit 50% of the awarded amount, the NBWs against the petitioners, are discharged. Learned counsel for the respondent nos.1 and 2, who appears on advance notice also accedes to the same. It is made clear that failure to make the aforesaid deposit within the time granted, shall be construed as wilful disobedience of an undertaking to this Court.

11. Let the Review Application, filed by the petitioner be also expeditiously considered by the District Commission.

12. No further orders are required to be passed in the present petition.

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13. The same is accordingly, disposed of. All pending applications also stand disposed of.

14. Order *dasti*.

**MAY 1, 2025/cl**

**SACHIN DATTA, J**

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