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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 10756/2024

VIKAS PARKS PRIVATE LIMITED

.....Petitioner

Through: Mr. Sumesh Malhotra, Ms. Chitra
Singh and Ms. Russia Sidhu, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Himanshu Pathak, SPC and Mr.
Amit Singh, Adv. for UOI.
Mr. Vedansh Anand, GP, UOI.
Mr. Tushar Sannu and Mr. Utkarsh
Singh, Advs., GNCTD.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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19.03.2025

CM APPL. 44289/2024 – Exemption

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

CM APPL. 15876/2025 - Seeking Waiver of Cost

3. This is an application seeking waiver of cost/s imposed *vide* order dated 25.11.2024.
4. It is pointed out in the application that the main counsel for the petitioner could not appear before the Court on that date due to some unforeseen and unprecedented traffic conditions. It is averred in the application as under:-

“2. That during the course of the hearing on 25/11/2024, the Petitioner's Counsel, Sumesh Malhotra, was on the way to the Hon'ble Court to appear on behalf of the Petitioner. However, the Counsel's Associate, Mr. Yashasvi, appeared on behalf of the Petitioner via video conferencing, as per the usual practice.



3. That unfortunately, due to unforeseen and unprecedented traffic conditions on the way to the High Court, the main Counsel, Sumesh Malhotra, was delayed in reaching the Court. Despite making every possible effort to be present on time, by the time the Counsel arrived at the Hon'ble Court, the order was passed imposing a cost on the Petitioner's Counsel for the delay and for the hearing being deferred.”

5. In the circumstances, it is sought that the said cost imposed *vide* order dated 25.11.2024, be waived.

6. Considering the averments made in the application, the same is allowed. The costs imposed *vide* order dated 25.11.2024 are consequently, waived.

7. Application stands disposed of.

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8. The present petition raises a grievance as regards certain orders passed by the District Consumer Dispute Redressal Commission-X, South-East Delhi, (DCDRC) in CC No. 171 of 2023 titled as 'Ms. Nidhi Luthra v. M/S Vikas Parks Private Limited'.

9. It is submitted that the said orders are without jurisdiction inasmuch as Section 36(1) of the Consumer Protection Act, 2019 mandates that every proceedings before the District Commission shall be conducted by the President of the Commission and atleast one member thereof sitting together.

10. It is submitted that the proceedings in respect of the aforesaid case were not conducted by a properly constituted Bench as contemplated under Section 36(1) of the Consumer Protection Act, 2019. He submits that the concerned Bench, before which the aforesaid complaint case was registered, comprises of two members, none of whom is the President of DCDRC.

11. After some hearing, with the consent of the respective counsel, the



present petition is disposed of with the request to the President, DCDRC to constitute a Bench, comprising of himself, and at least one member, for the purpose of hearing the complaint case in question viz. CC No. 171 of 2023 titled as 'Ms. Nidhi Luthra v. M/S Vikas Parks Private Limited'.

12. It is clarified that the above directions have been passed, based on the joint suggestion of the respective counsel for the parties, without going into the legal issue raised by the petitioner concerning interpretation of Section 36(1) of the Consumer Protection Act, 2019.

13. The present petition stands disposed of in terms of the above directions.

SACHIN DATTA, J

MARCH 19, 2025/at