



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.7879/2025
Harsha V Neeta Co-op Housing Society

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Ms Krutika Motdhare, Advocate for petitioner.
 Mr. S.D. Mishra, Advocate for respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 14-01-2026.

Heard learned Counsel for the petitioner

2. Petitioner's challenge is to order dated 08-09-2025 passed by the Additional District Consumer Dispute Redressal Commission, Nagpur by which the application filed by the respondent in proceedings under Sections 71 and 72 of the Consumer Protection Act, 2019 (for short, 'the said Act') was allowed and the proceedings are adjourned even though there is no interim stay.

3. It is pointed out that by the applications under Sections 71 and 72 of the Act, the petitioner/consumer had initiated proceedings for execution of the final order passed by the Consumer Forum dated 23-12-2021 in Consumer Complaint No.CC/18/254. It is submitted that the order passed by the Consumer Forum was subjected to challenge by the respondent by filing an appeal before the State Commission which is pending. It is also pointed out that by order dated 30-11-2022, the State Commission has initially granted interim stay to the order passed by the forum subject to the appellant therein (respondent society in this matter) depositing the balance decretal amount within four weeks from that date. It is pointed out that the amount is not deposited by the respondent

Society within the time and resultantly the interim stay stood vacated. Thereafter, the petitioner/consumer continued with the execution proceedings under Sections 71 and 72 of the Act.

4. Learned Counsel for the respondent does not dispute the position that the interim relief was granted by order dated 30-11-2022 by the appellate Court, however, the amount was not deposited within the period of four weeks from that date. He, however, also submits that the instant petition is not maintainable as the petitioner has got alternate remedy.

5. The parties desire to advance submissions on the basis of case laws and are permitted to place on record their respective submissions/rejoinder affidavits on or before the next date.

6. However, it is clarified that as on today there is no interim stay to the order passed by the Consumer Forum and the Additional District Consumer Dispute Redressal Commission, Nagpur is entitled to proceed with the proceedings initiated by the consumer under Sections 71 and 72 of the Act.

7. List the petition for further consideration on 02-02-2026.

(Prafulla S. Khubalkar, J.)