HC-KAR

NC: 2026:KHC:60594
WP No. 11233 of 2024

CNR: KAHC010225622024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B.PRAMOD

WRIT PETITION NO. 11233 OF 2024 (GM-CON)

BETWEEN:

SREI EQUIPMENT FINANCE LTD.,
A COMPANY INCORPORATED
UNDER COMPANIES ACT
HAVING ITS HEAD OFFICE AT
PLOT NO Y-10, BLOCK EP,
SECTOR V, SALT LAKE CITY,
KOLKATA 700091

AND HAVING REGIONAL OFFICE AT
BHARMHANANDA COURT
C WING NO 37/24,
LALBHAG ROAD,
BENGALURU 560027
REPRESENTED BY ITS
AUTHORIZED PEROSN UNDER GPA
MR M CHANDRASHEKAR RAO

...PETITIONER

(BY SRI. SRIDHAR R.,ADVOCATE)

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

AND:

PURUSHOTHAMA K R
S/O RUKMANGOWDA,
AGED 47 YEARS,
KAPANAHALLY VILLAGE,
BOOKANAKERE HOBLI,
K.R. PET - 571812

...RESPONDENT

(BY SRI. MILASH ARROL NORONHA.,ADVOCATE)

CNR: KAHC010225622024

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ADMIT AND ALLOW THIS WP AND QUASHED EXECUTING PROCEEDINGS FILED AGAINST THE PETITIONER IN EXECUTION APPLICATION NO. 13/2014 PENDING BEFORE DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION, MANDYA TITLE AS K.R PURUSHOTHATMA VERSUS M/S. SREI EQUIPMENT FINANCE PVT. LTD. AT ANNEXURE-A AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B-GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE B.PRAMOD

ORAL ORDER

The petitioner, in the present writ petition, has called in question the notice issued under Section 72 of the Consumer Protection Act, 2019 (hereinafter referred to as 'the 2019 Act') at Annexure-A. The said notice was issued on the ground that the judgment debtors had failed to comply with the order dated 25.10.2023 passed by the District Consumer Disputes Redressal Commission in Consumer Case No.23/2022. By the said notice, the petitioner was called upon to face proceedings under

Section 72 of the 2019 Act and was directed to appear before the District Commission on 27.03.2024.

2. Heard Sri Sridhar R., learned counsel appearing for the petitioner and Sri Milash Arrol Noronha, learned counsel appearing for the respondent.

3. It is not in dispute that the District Consumer Disputes Redressal Commission passed the final order dated 25.10.2023 in Consumer Case No.23/2022 after contest by the petitioner and that the said order has not been challenged by preferring an appeal before the State Consumer Disputes Redressal Commission. The Consumer Protection Act, 2019 provides a specific and efficacious statutory remedy of appeal against an order passed by the District Commission. The petitioner, having participated in the proceedings before the District Commission and having failed to avail of the said statutory remedy, cannot circumvent the appellate mechanism prescribed under the Act by invoking the extraordinary jurisdiction of this Court

under Article 226 of the Constitution of India to challenge the consequential notice issued under Section 72 of the 2019 Act. The said notice has been issued on account of non-compliance with the final order dated 25.10.2023, which continues to remain unchallenged before the competent appellate forum. In the absence of any challenge to the substantive order, the petitioner cannot seek to indirectly assail its correctness by questioning the consequential proceedings initiated for its enforcement. Permitting such a course would amount to allowing the petitioner to bypass the statutory appellate remedy and defeat the scheme of remedies contemplated under the 2019 Act. Therefore, the present writ petition, insofar as it seeks to challenge the consequential notice without availing of the statutory remedy against the original order, does not warrant interference by this Court in exercise of its discretionary jurisdiction under Article 226 of the Constitution of India.

4. If the petitioner was aggrieved by the order passed by the District Commission, it was open to the petitioner to challenge the same before the competent appellate forum in accordance with law. Having failed to do so, the petitioner cannot now contend that the consequential notice issued under Section 72 of the 2019 Act is unsustainable merely on the ground that the original order is erroneous.

5. It is also relevant to note that proceedings under Section 72 of the 2019 Act are penal in nature and are initiated for non-compliance with an order passed by the Consumer Commission. Be that as it may.

6. At this juncture, learned counsel for the petitioner seeks liberty to challenge the order dated 25.10.2023 passed by the District Commission before the competent appellate forum.

7. In view of the aforesaid facts and circumstances, the writ petition stands disposed of,

reserving liberty to the petitioner to challenge the order dated 25.10.2023 passed by the District Consumer Disputes Redressal Commission before the competent appellate forum, if so advised and if permissible in law.

It is made clear that this Court has not expressed any opinion on the merits of the matter and all contentions of the parties are kept open.

Ordered accordingly.

Sd/-
(B.PRAMOD)
JUDGE

BSV
List No.: 1 Sl No.: 14