



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

135

CWP-5907-2026

Date of Decision: 25.03.2026

LAVANYA DREAMS BANQUET

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Dinesh Kaushik, Advocate and
Mr. Vivek Goyal, Advocate for the petitioner

Ms. Svaneel Jaswal, Addl. A.G. Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 01.12.2023 passed by District Consumer Disputes Redressal Commission (for short 'District Commission'). It is further seeking stay on the execution of the impugned order.

2. The private respondent filed complaint dated 13.07.2023 against the petitioner before the Commission for theft of her vehicle make Toyota Fortuner bearing registration No.HR-03U-0008 outside the premises of the petitioner on 14.05.2019. The complainant alleged that the car was in the custody of the valet service of the petitioner. An FIR was lodged in this regard. The respondent approached Commission which held the petitioner guilty of negligence and ordered to pay compensation along with interest to the private respondent. As per petitioner, private

respondent does not fall within the definition of ‘*consumer*’ for seeking claim against it. The District Commission has wrongly exonerated the insurer *qua* its liability.

3. The petitioner is claiming that respondent No.4 does not fall within the definition of ‘*consumer*’, thus, District Commission has wrongly invoked its jurisdiction. Whether respondent was consumer or not is a disputed question of fact. It is not a pure question of jurisdiction. The impugned order was passed in December’ 2023 and petitioner has approached this Court in March’ 2026. The remedy to file appeal is equally efficacious and effective.

4. Maintainability of writ petition is one aspect and entertainability in view of availability of alternative remedy is another aspect. Considering the availability of remedy of first appeal before State Consumer Disputes Redressal Commission and thereafter second appeal before National Consumer Disputes Redressal Commission, this Court does not deem it appropriate to invoke its writ jurisdiction.

5. Dismissed.

6. It is made clear that the dismissal of petition would not inhibit the petitioner from availing any other alternative remedy.

7. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 25, 2026
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No