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

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Date of Decision: 24.02.2026

(43)

+ **LPA 86/2026 & CM APPL. 12511/2026**

HETALI ENTERPRISES

.....Appellant

Through: Mr. Robin Jaisinghani, Ms. J. D'Silva
& Mr. Bhaskar Nayak, Advocates.

versus

DR. PURUSHOTTAM G.KALE

.....Respondent

Through: Mr. Viraj Kadam, Advocate.

(44)

+ **LPA 87/2026 & CM APPL. 12535/2026**

HETALI ENTERPRISES

.....Appellant

Through: Mr. Robin Jaisinghani, Ms. J. D'Silva
& Mr. Bhaskar Nayak, Advocates.

versus

DR. SATISHCHANDRA PURUSHOTTAM KALE.....Respondent

Through: Mr. Viraj Kadam, Advocate.

(45)

+ **LPA 88/2026 & CM APPL. 12549/2026**

HETALI ENTERPRISES

.....Appellant

Through: Mr. Robin Jaisinghani, Ms. J. D'Silva
& Mr. Bhaskar Nayak, Advocates.

versus

DR. VIJA Y PURUSHOTTAM KALE

.....Respondent

Through: Mr. Viraj Kadam, Advocate.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

1. The Appellant in these Appeals has challenged the order dated 23.01.2026 ("**Impugned Order**") in W.P.(C) 13834/2024, W.P.(C)



13837/2024 and W.P.(C) 13846/2024 (“**Writ Petitions**”), whereby the Writ Petitions filed against the orders dated 10.06.2024 and 23.08.2024 passed by the National Consumer Disputes Redressal Commission (“**NCDRC**”) in the execution applications filed by the Respondents were disposed of with a direction to adjust the amount paid pursuant to orders dated 08.12.2021 and 23.08.2024 (“**Execution Orders**”) passed by the NCDRC.

2. The brief factual matrix reading up to the filing of the present Appeal is as under:

- 2.1. The Respondents had filed the respective complaints before the NCDRC under Section 21(a)(i) of the Consumer Protection Act, 1986 (“**Act**”) against the Appellant and the Andheri Nav-Bahar Co-operative Housing Society Ltd. (“**Society**”) seeking compensation towards alleged deficiency, unfair trade practice and delayed possession of their flats under redevelopment plan.
- 2.2. The said complaints were decided by NCDRC *vide* common order dated 08.12.2021, the NCDRC observed that the flats were purchased from the Appellant for consideration and surrendering the old flats of the Respondents. It was further observed that the Respondents were the members of the Society and were regularly paying the membership fee, maintenance charges etc. of the Society. The NCDRC also found that the Appellant had violated Clause 90 of the agreement between the Appellant and the Respondent, which provided that in case of shortage in area, the Parties would be compensated @ ₹24,650/- per sq. ft. carpet area. The NCDRC, accordingly, concluded that there was a deficiency in service by the Appellant as the Appellant did not pay the amount in timely manner



as per the agreement and, accordingly, directed the Appellant to refund the charges collected by the Appellant to the Respondent towards deficiency in open space @ 9% per annum from 06.01.2015 till realization and to pay the amount towards shortage in carpet area @ 24,650/- per sq. ft. on the date of possession with interest @ 9% per annum from 05.01.2016 till its realization. The NCDRC also directed the Appellant to pay ₹10,00,000/- towards mental agony for delay of eight months in handing over the possession as well as directed the Appellant and the Society to pay ₹2,00,000/- jointly and severally towards the litigation cost to each of the Respondents.

- 2.3. Being aggrieved by the order dated 08.12.2021 passed by the NCDRC, the Appellant filed the Appeals before the Supreme Court. The Supreme Court *vide* order dated 04.04.2022 permitted the Appellant to withdraw the Civil Appeals and approach the NCDRC by filing a Review Application. Accordingly, the Appellant preferred Review Applications before the NCDRC, which were rejected on 13.05.2022.
- 2.4. The Appellant challenged the order dated 13.05.2022 passed by the NCDRC rejecting the Review Applications filed by the Appellant by way of Writ Petitions before this Court. *Vide* order dated 21.07.2022, the Notice was issued to the Respondent in the said Writ Petitions and the Respondents were directed to file Counter Affidavit.
- 2.5. In the meanwhile, the Respondent filed Execution Proceedings on 23.02.2022 before the NCDRC.



- 2.6. On 10.06.2024, the Appellant filed applications before the NCDRC, *inter alia*, contending that since there was no finding in the main order dated 08.12.2021 relating to the area, which is found to be short in the operative part of the said order, the said order was inexecutable. The NCDRC dismissed the said applications.
- 2.7. On 23.08.2024, the NCDRC passed an order directing the Appellant to pay within a period of one month from the date of the said order on the basis that there was a finding in the main order dated 08.12.2021 regarding the shortage in the carpet area.
- 2.8. Accordingly, the Appellant filed the Writ Petitions challenging the above Execution Orders passed by the NCDRC on the ground that the Execution Orders granted reliefs beyond the main order dated 08.12.2021.
- 2.9. This Court *vide* order dated 07.01.2026 dismissed the Writ Petitions filed against the order dated 13.05.2022 passed by the NCDRC in the Review Applications filed by the Appellant.
- 2.10. The Writ Petitions were also disposed of *vide* the Impugned Order. Accordingly, the present Appeals have been filed by the Appellant being aggrieved by the Impugned Order.
3. The learned Counsel for the Appellant has submitted that the Execution Orders passed by the NCDRC in the Execution Proceedings whereby the Application filed by the Appellant seeking dismissal of the Execution Proceedings were dismissed and the Appellant was directed to pay the money towards execution of order dated 08.12.2021 granted relief beyond the main order dated 08.12.2021.



4. The learned Counsel for the Appellant submitted that the main order dated 08.12.2021 did not specify the exact carpet area, which was found to be short in the operative part of the said order. The order dated 08.12.2025 only directed a payment towards shortage in the carpet area @ ₹24,650/- per sq. ft. without specifying the exact area which was found to be short.

5. It was further submitted that in absence of specifying the exact shortage in area in the operative portion of the order dated 08.12.2021, the said part of the order was not capable of being executed due to absence of any finding with regard to the carpet area that was found to be short.

6. The above submissions of the Appellant cannot be entertained as the Appellant had preferred Civil Appeals before the Supreme Court against the order dated 08.12.2021 passed by the NCDRC which was withdrawn with a liberty to file Review Applications before the NCDRC. The Review Applications filed by the Appellant were dismissed *vide* order dated 13.05.2022. The Writ Petitions filed by the Appellant against the order dated 13.05.2022 have also been dismissed by an order dated 07.01.2026 passed by this Court.

7. In view of the above, the issue with regard to the shortage in area not being specifically mentioned in the operative part of order dated 08.12.2021 cannot be considered in the present Appeals which are directed against the Impugned Order passed in the Writ Petitions challenging the Execution Orders passed by the NCDRC in the Execution Proceedings.

8. The Appellant challenged the Execution Orders passed by the NCDRC in the Writ Petitions on the very same ground that the exact amount to be refunded has not been specified in the order dated 08.12.2021 passed by the NCDRC as the quantum of shortage in the actual carpet area is missing in the



operative portion of the said Order. This ground was agitated by the Appellant in the Civil Appeals before the Supreme Court, which were withdrawn with liberty to file the Review Applications. The Review Applications were dismissed by the NCDRC and the Writ Petitions filed against the order of dismissal of the Review Applications were also dismissed *vide* order dated 07.01.2026 by this Court.

9. The Appellant has contended that the Impugned Order failed to consider that the NCDRC in the Execution Orders did not deal with the objections regarding the non-executability of the main order dated 08.12.2021 in absence of identification of the actual carpet area not having been specifically provided in the said order. The Appellant has contended that the order dated 23.08.2024 was passed based on the calculations submitted by the Respondent, which was not permissible in the Execution Proceedings.

10. The learned Single Judge has held that the order dated 23.08.2024 deals with the allegation of ambiguity in the final order dated 08.12.2021 in Paragraph No. 4 of the said order by holding that the NCDRC was bound to enforce the final order dated 08.12.2021, which rendered categorical finding with regard to shortage of carpet area. The submission of the Appellant that the Impugned Order wrongly recorded that there was categorical finding in the final order was incorrect cannot be accepted as the said issue has already been considered in the proceedings arising out of the challenge to the said final order dated 08.12.2021. The limited issue in the present Appeal is that whether the Impugned Order has rightly held that the order dated 23.08.2024, which records the exact shortage in carpet area required any interference.

11. It is settled law that the Executing Court has power to pass such orders to interpret, clarify and resolve all questions relating to the execution and also



interpret the ambiguities to ensure effective enforcement without going behind the Decree or alter the substantive rights.

12. As held by NCDRC in order dated 13.05.2022 passed in the Review Applications filed by the Appellant that the order dated 08.12.2021 was self-contained and self-speaking and there was no reason to re-open or re-examine by way of review. Accordingly, the Review Applications filed by the Appellant were dismissed. This Court *vide* order dated 07.01.2026 has dismissed Writ Petitions filed against the said order dated 13.05.2022 passed in the Review Applications filed by the Appellant, which has also been referred in the Impugned Order.

13. Accordingly, no infirmity is found in the order dated 23.08.2024 passed by the NCDRC in the Execution Proceedings specifying the exact actual carpet area which was found to be short as per order dated 08.12.2021, though not mentioned in the operative portion, was mentioned in the submissions of the Respondent (original Complainants before the NCDRC).

14. In view of the above, the Impugned Order has rightly held that the order dated 23.08.2024 did not call for any interference given that the same only interprets the order dated 08.12.2021 and does not go behind the same. Accordingly, we do not find any merit in the present Appeals and concur with the finding of the learned Single Judge in the Impugned Order.

15. Accordingly, the present Appeals and spending Applications stand dismissed. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 24, 2026/ 'A'