$~87 to 91

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

\# **CNR No. DLHC010481582026**

\+ CM(M) 2213/2026, CM APPL. 69361/2026 & CM APPL. 69362/2026

DELURIS BUILDTECH INDIA PVT. LTD & ORS. .....Petitioners

Through: Mr. Samrat Nigam, Sr. Adv. with Mr. Bhuvanesh Sehgal, Ms. Arpita Rawat and Ms. Disha, Advs.

versus

KARAN .....Respondent

Through: Mr. Manish Raghav, Mr. Prakash Srivastava, Mr. Rajan Thakur and Mr. Deepak Jain, Advs.

88

\# **CNR No. DLHC010481612026**

\+ CM(M) 2214/2026, CM APPL. 69363/2026 & CM APPL. 69364/2026

DELURIS BUILDTECH INDIA PVT. LTD & ORS. .....Petitioners

Through: Mr. Samrat Nigam, Sr. Adv. with Mr. Bhuvanesh Sehgal, Ms. Arpita Rawat and Ms. Disha, Advs.

versus

KISHORE CHAWLA .....Respondent

Through: Mr. Manish Raghav, Mr. Prakash Srivastava, Mr. Rajan Thakur and Mr. Deepak Jain, Advs.

89

\# **CNR No. DLHC010481632026**

\+ CM(M) 2215/2026, CM APPL. 69365/2026 & CM APPL. 69366/2026

DELURIS BUILDTECH INDIA PVT. LTD & ORS. .....Petitioners

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Through: Mr. Samrat Nigam, Sr. Adv. with Mr. Bhuvanesh Sehgal, Ms. Arpita Rawat and Ms. Disha, Advs.

versus

PAWAN KANT .....Respondent

Through: Mr. Manish Raghav, Mr. Prakash Srivastava, Mr. Rajan Thakur and Mr. Deepak Jain, Advs.

90

CNR No. DLHC010481652026

+ CM(M) 2216/2026, CM APPL. 69367/2026 & CM APPL. 69368/2026

DELURIS BUILDTECH INDIA PVT. LTD. & ORS. .....Petitioners

Through: Mr. Samrat Nigam, Sr. Adv. with Mr. Bhuvanesh Sehgal, Ms. Arpita Rawat and Ms. Disha, Advs.

versus

VIBHA KUMARI & ANR. .....Respondents

Through: Mr. Manish Raghav, Mr. Prakash Srivastava, Mr. Rajan Thakur and Mr. Deepak Jain, Advs.

91

CNR No. DLHC010481742026

+ CM(M) 2217/2026, CM APPL. 69377/2026 & CM APPL. 69378/2026

DELURIS BUILDTECH INDIA PVT. LTD & ORS. .....Petitioners

Through: Mr. Samrat Nigam, Sr. Adv. with Mr. Bhuvanesh Sehgal, Ms. Arpita Rawat and Ms. Disha, Advs.

versus

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ARSAD HANIF .....Respondent

Through: Mr. Manish Raghav, Mr. Prakash Srivastava, Mr. Rajan Thakur and Mr. Deepak Jain, Advs.

CORAM:
HON'BLE MR. JUSTICE AJAY DIGPAUL

O R D E R

% 13.10.2026

1. Through the present petitions, the petitioner/JD company seeks to challenge the orders dated 22.09.2026 and 24.09.2026 passed by the learned District Consumer Dispute Redressal Commission ("DCDRC) in *EXECUTION APPLICATION NO. DC/79/EA/117/2026, EXECUTION APPLICATION NO. DC/79/EA/140/2026, EXECUTION APPLICATION NO. DC/79/EA/47/2026, EXECUTION APPLICATION NO. DC/79/EA/472026 and EXECUTION APPLICATION NO. DC/79/EA/112/2026* whereby the learned executing court issued non-bailable warrants ("NBWs") against the directors of the petitioner/JD company.

2. The brief facts of the present case are as follows –

3. The petitioner had launched a residential housing project under the name "Zara Rossa" under the Haryana Governments Affordable Housing Policy. It is stated that the 38 allottees of the said Project filed complaints before the learned DCDRC for delayed possession and compensation.

4. The learned DCDRC *vide* judgment dated 06.01.2026 directed the petitioner to pay interest at the rate of 15% over the amount deposited by the complainants, from the date of deposit till handing over of physical possession. In another bunch of cases, the learned DCDRC on 18.02.2026

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directed the petitioner to deposit interest at the rate of 15% per annum for the period from 30.11.2021 till handing over of actual possession.

5. The petitioner filed a review application seeking review of the order dated 06.01.2026 to the limited extent of computation of the period of deposit of interest. The review application came to be allowed *vide* order dated 15.09.2026 whereby the learned DCDRC reviewed and modified the order dated 06.01.2026 and made the period of deposit of interest same as the order dated 18.02.2026.

6. Meanwhile, during the pendency of the review application, the respondents/DH filed an execution application seeking execution of the order dated 06.01.2026.

7. Aggrieved by the parallel execution proceedings during the pendency of the review application, the petitioner approached this Court *vide WP(C) 7982/2026* and *WP(C) 10081/2026* wherein *vide* orders dated 27.07.2026 and 04.08.2026 respectively, this Court stayed the execution proceedings till the adjudication of the review application.

8. After the review applications were adjudicated, in the said execution proceedings, the learned DCDRC *vide* orders dated 22.09.2026 and 24.09.2026 issued NBWs against the directors of the petitioner/JD company. The learned DCDRC noted that the execution proceedings had been pending since February, and that the petitioner/JD company had not complied with the directions to pay the DH.

9. The learned senior counsel for the petitioner has submitted that the learned DCDRC has issued NBWs to execute an order which is incapable of being executed. He has submitted that once the order dated 06.01.2026 has been reviewed and the operative portion and directions to deposit the interest

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has been modified to that of 18.02.2026, the order dated 06.01.2026 is incapable of being executed. He has submitted that the order dated 15.09.2026 subsumes the order dated 06.01.2026, and thus, the order dated 06.01.2026 is incapable of being executed as the same has been modified and merged.

10. He has further submitted that the learned executing court has issued NBWs within one week from the review order dated 15.09.2026. In view of the disproportionate nature of issuance of NBWs, the learned senior counsel has prayed for stay of said NBWs. He has submitted that there is a 45-day period for filing of an appeal against the order dated 15.09.2026, and has requested that as an interim protective measure, the NBWs be stayed during the said 45-day period.

11. At the outset, this Court deems it apposite to consider the following distinction: the petitioner's right to file an appeal against the order dated 15.09.2026 is a separate remedy and is not interrelated with protection against NBWs. Merely wanting to filing an appeal against the order dated 15.09.2026 does not entitle a party to protection against coercive measures which have been issued to ensure compliance with a decree.

12. The learned senior counsel has submitted that the order dated 06.01.2026 having been reviewed and modified is incapable of being executed, and the NBWs, having been issued in execution of an inexecutable order ought to be quashed.

13. The relevant portion of the review order dated 15.09.2026 is produced for ready reference –

> *"12. In the present case, having regard to the facts and circumstances of the matter and the subsequent orders passed*

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*by this Commission dated 18.02.2026 in identical matters involving the same parties and similar factual and contractual circumstances**, we are of the considered view that the direction contained in the order dated 06.01.2026, insofar as it relates to the period for computation of interest/compensation, requires correction**.*

*13. Accordingly, **the review application is allowed to the limited extent indicated herein. The direction contained in the order dated 06.01.2026 regarding payment of interest is modified**. **The Complainant shall be entitled to compensation on account of delay in delivery of possession @15% per annum for the period from 30.11.2021 till handing over of actual possession.***

*14. **The remaining directions contained in the order dated 06.01.2026 shall remained unaltered**."*

(emphasis supplied)

14. From a bare perusal of the review order dated 15.09.2026, it becomes abundantly clear that the order dated 06.01.2026 has been modified only to the extent of bringing the period of deposit of interest at par with the order dated 18.02.2026. The modified order does not absolve the petitioner/JD company of its obligation to pay, and only modifies the time period for deposit of interest. In fact, the learned DCDRC in paragraph 13 of the review order has mentioned that the respondent/complainant shall be entitled to compensation for delay in delivery, and in paragraph 14 of the order has categorically stated that the remaining directions contained in the order dated 06.01.2026 shall remain unaltered.

15. Thus, the letter and spirit of the orders dated 06.01.2026, 18.02.2026 and 15.09.2026 is to ensure payment of compensation to the DHs, and NBWs, which are issued to ensure compliance with such orders cannot be

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quashed on mere modification of period of deposit of interest. When the petitioner/JD company has admittedly not complied with the orders, then it is not open for them to claim that merely because the period of deposit of interest has been reduced, the entire order becomes inexecutable, and that NBWs cannot be issued to ensure compliance of the same.

16. In view of the above, the submission of the learned senior counsel that review of a portion of an order makes the entire order inexecutable, especially in view of the express stipulation that the remaining order shall be unchanged, does not find favour with this Court.

17. As mentioned above, the right to file an appeal is a separate right and remains open to the petitioner. It is further clarified that nothing in this order shall mean an expression as to the petitioner's right to file an appeal. The order of the learned DCDRC issuing NBWs does not curtail the petitioner's right to file an appeal, as the same is merely intended to ensure compliance with the decree. However, mere modification of an order to the extent that it changes the period of deposit of interest does not make an order altogether inexecutable, and does not entitle the defaulting petitioner/JD company protection against the NBWs.

18. Accordingly, the present petition along with pending applications if any, are dismissed.

AJAY DIGPAUL, J

OCTOBER 13, 2026/*AS/sg*

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