

ITEM NO.8 Court 6 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 14188/2020

(Arising out of impugned final judgment and order dated 21-10-2020 in FA No. 328/2020 passed by the National Consumer Disputes Redressal Commission, New Delhi)

SUMESH CHAWLA

Petitioner(s)

VERSUS

SANDEEP BAWEJA & ANR.

Respondent(s)

(WITH IA No. 121226/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 127593/2020 - MODIFICATION OF COURT ORDER)

Date : 16-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Govind Goel, Adv.
Dr. S.S. Saini, Adv.
Mr. Ankit Goel, Adv.
for M/S. Lex Apex, AOR

For Respondent(s) Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Mr. Neelambar Jha, Adv.
Mr. Chandra Shekhar, Adv.

Mr. Sudarshan Rajan, AOR
Mr. Hitain Bajaj, Adv.
Mr. Mahesh Kumar, Adv.
Ms. Tania Mahajan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1 On 1 December 2020, the following order was passed:

"1 Mr Govind Goel, learned counsel appearing on behalf of the petitioner draws attention to page 'O' of the Synopsis

and list of dates, where it has been stated that in Execution Application No 476/2017, an amount of Rs 30 lakhs was directed to be deposited by the State Consumer Disputes Redressal Commission on 10 September 2020 and after the deposit of the aforesaid amount by the representative of the second respondent, an amount of Rs 30 lakhs was allowed to be disbursed to the complainant. Hence, it has been submitted that the entire decretal amount which is due and payable to the complainant has been duly disbursed.

- 2 Issue notice, returnable after six weeks.
- 3 Dasti, in addition, is permitted.
- 4 Till the next date of listing, no coercive steps shall be taken against the petitioner.”

2 An application for correcting the above order has been filed by the petitioner to the effect that the word “principal” be substituted in place of the word “decretal” inasmuch as an amount of Rs 35 lakhs has been received by the original complainant, the first respondent to these proceedings, towards the principal sum. The order is corrected in the above terms.

3. Under the terms of the order of the State Consumer Disputes Redressal Commission¹, the liability has been jointly and severally imposed upon the petitioner and the second respondent to satisfy the claim of the first respondent. Admittedly, however, the interest component remains due and outstanding. The petitioner was served before the SCDRC and had filed his reply. That he did not inform the SCDRC of the change in address is a matter of his own doing.

4 We are thus not inclined to entertain the Special Leave Petition under Article 136 of the Constitution. Mr Govind Goel, learned counsel appearing on behalf of the petitioner, submits that the protection which was granted by the order of this Court dated 1 December 2020 against coercive steps being taken may be extended by a further period of two months so as to enable the petitioner to

1 “SCDRC”

resolve the entire dispute and to ensure compliance with the order of the SCDRC in the consumer complaint. Having heard the learned counsel appearing on behalf of the contesting parties, we accede to the request of the learned counsel for the petitioner by directing that the *ad interim* protection against coercive steps which was granted on 1 December 2020 shall continue to remain in force until 30 April 2021. The order shall, however, come to an end without any further intervention of this Court on 30 April 2021. During the aforesaid period, it would be open to the petitioner to ensure that the claim of the original complainant - first respondent is duly satisfied in which event the Executing Court may be duly apprised of the settlement, if any, in accordance with law to facilitate the passing of appropriate orders in respect of the proceeding under Section 27 of the Consumer Protection Act, 1986.

5 The Special Leave Petition is accordingly disposed of.

6 Pending applications stand disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER