



\$~62

* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 07th May, 2025*

+ CM(M) 862/2025 & CM APPL. 27705-27706/2025

BALWANT SINGH & ANR.Petitioners

Through: Mr. Vivek Kumar, Advocate.

versus

ARUNA VIJAY SINGH & ANRRespondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Respondents herein had filed a consumer complaint which was registered as CC No.721/2020. There were two opposite parties in such complaint i.e. *M/s Ramprastha Promoters and Developers Private Limited* and *M/s Bluebell Proptech Pvt. Ltd.*

2. Such complaint was allowed by learned National Consumer Disputes Redressal Commission (in short 'NCDRC') and, accordingly, an Execution Petition was filed by the Decree Holders. The Execution Petition was, though, filed against the abovesaid two opposite parties but in para No.4 of the Execution Petition, the Managing Directors and the Directors were also arrayed as Judgment Debtors, while contending as under:-

"4. That the Judgment Debtor No. 3 is the Managing Director of Judgment Debtor No.1 and Judgement No.4-6 are the Directors of the Judgment Debtor No. 1 and the Judgment Debtor No. 4 is also the Director of the Judgment Debtor No. 2. That the Judgment Debtor No. 4-6 are responsible to the Judgment Debtor No. 1 and the Judgment Debtor No. 4 is responsible to the Judgment Debtor No. 2 for conduct of their business as on the date the order dated 07.02.2024 was passed by this Hon'ble Commission."



3. The abovesaid Execution Petition was taken up by learned NCDRC from time to time and there were directions to the abovesaid individuals i.e. Managing Director and Directors of the opposite parties to appear before it. There was also a direction to them to file list of assets in terms of Order XXI Rule 41(2) in Form 16A, Appendix- E, CPC but despite there being specific directions in this regard, it seems that they neither appeared nor did the needful.
4. Since even the bailable warrants issued against Judgment Debtor Nos.3 to 6 returned unexecuted, learned NCDRC directed issuance of *non-bailable warrants* against them.
5. The matter was directed to be taken up on 09.04.2025.
6. However, on 09.04.2025 also, there was no headway in the matter as *non-bailable warrants* returned with the remarks that such persons could not be found at the given address. It is in the abovesaid backdrop that there is a fresh direction to issue *non-bailable warrants* against abovesaid Judgment Debtors.
7. Such order is under challenge.
8. Petitioners herein are, however, Judgment Debtor No.3 - Sh. Balwant Singh, Managing Director and Judgment Debtor No.5 – Sh. Sandeep Yadav, Director in *M/s Ramprastha Promoters and Developers Private Limited*.
9. Learned counsel for the petitioners, on instructions, submits that they both would appear physically before learned NCDRC on date fixed i.e. 20.05.2025 and would also submit affidavit(s) in terms of the directions given by learned NCDRC. At the same time, learned counsel for the petitioners submits that these two petitioners were not the opposite parties in the originally filed complaint and an impression has been given by the Decree



Holders as if the Decree is also directed against them. He submits that, while reserving his other rights and contentions and while ensuring that they would appear before learned NCDRC on said date, he would move appropriate application before learned NCDRC seeking requisite relief with respect to the petitioners herein. He supplements that they cannot be held personally liable for the decree in question, merely, because of the fact that they were Managing Director or Director in the Company in question.

10. Be that as it may, since a clear undertaking has been given to this Court that both the petitioners would physically appear before learned NCDRC on 20.05.2025, the present petition is disposed of with direction that the warrants *of arrest* qua them shall remain in abeyance till 20.05.2025. Once they appear before learned NCDRC, it will be upto learned NCDRC to take further appropriate decision and to give further requisite directions, in accordance with law.

11. Needless to say, petitioners would be at liberty to move appropriate applications before learned NCDRC and this Court expects that if any such application is filed, these are also considered in accordance with law, after giving due opportunity of hearing to both the sides.

12. The petition stands disposed of in aforesaid terms.

13. Pending applications, if any, also stand disposed of.

14. Copy of this order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

MAY 7, 2025/st/SS