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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 13th May, 2025**
+ CM(M) 888/2025 & CM APPL. 28681/2025 & CM APPL.
28682/2025

BALWANT SINGH & ANR.Petitioner
Through: Mr. Aditya Parolia and Mr. Suryansh
Vashisth, Advocates

versus

HANS SACHDEVRespondent
Through: Mr. Vipin Singhanian, Advocate

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN
J U D G M E N T (oral)

1. Respondent Mr. Hans Sachdev filed a consumer complaint bearing CC No. 1773/2019.
2. It was directed against two companies i.e. Ramaprashta Promoters & Developers Pvt. Ltd. and Bluebell Promotech Pvt. Ltd.
3. The aforesaid complaint was, eventually, allowed by learned National Consumer Disputes Redressal Commission (NCDRC) *vide* order dated 30.10.2023 whereby judgment debtor companies were directed to refund Rs. 67,09,113/- along with interest.
4. Admittedly, aforesaid order has already attained finality.
5. Pursuant to the aforesaid decree, an *Execution Petition* was filed by the complainant which was registered as NC/EA/112/2024.
6. Petitioners herein are alleged to be the Directors in Ramaprashta Promoters & Developers P Ltd.
7. Their grievance is that decree-holder could not have sued them as judgment debtor as there was no decree against them. It is also contended that,



without there being any due service upon them, learned NCDRC has directed issuance of NBWs against them.

8. Learned counsel for respondent/decree holder appears on advance notice.

9. Next date before the learned NCDRC is stated to be 16th instant.

10. During course of the arguments, learned counsel for petitioners/judgment debtors submits that despite the fact that both petitioners are senior citizens, they would appear, physically, before learned NCDRC on said date and move appropriate application (s) seeking appropriate relief. He, however, reiterates that they could not have been impleaded as judgment debtor and if their appearance was being sought in context of Section 72 of Consumer Protection Act, 2019, the coercive process could not have been issued, without there being any corresponding application in this regard filed by decree holder.

11. Learned counsel for respondent/decree holder, in all fairness, submits that he never moved any application under Section 72 of Consumer Protection Act, 2019 or for that matter under Order XXI Rule 41 (2) CPC. He, however, submits that such Directors cannot run away from their liability and, moreover, once the process had been issued, they should have, in due adherence to the summons, appeared before the learned NCDRC and could have made appropriate request before the learned NCDRC but there was no reason whatsoever to have disobeyed *the summons of the Court*. Learned counsel for respondent/decree holder, however, also submits that he had impleaded the Directors in terms of liberty granted by learned NCDRC in terms of order dated 10.01.2025.



12. The impugned order dated 08.04.2025 reflects that the *non-bailable warrants* have been issued against the aforesaid two directors (petitioners herein).

13. Learned counsel for the petitioners/judgment debtors, without prejudice to rights and contentions of the petitioners, assures that they both would appear before the learned NCDRC on 16.05.2025 and would also move appropriate application seeking appropriate relief, *inter alia*, to the effect that they could not have been arrayed as judgment-debtors in the aforesaid *Execution Petition*.

14. In view of the aforesaid assurance, learned counsel for respondent/decreed holder submits that, for the time being, he also would have no objection if the warrants are kept in abeyance.

15. Be that as it may, present petition is disposed of with the following directions: -

- (i) NBWs against both the petitioners are kept in abeyance till 16.05.2025.
- (ii) On the next date i.e. 16.05.2025, both the petitioners would appear before the learned NCDRC. On their such appearance, NBWs would stand recalled.
- (iii) Petitioner no. 1 Mr. Balwant Singh is an octogenarian and is stated to be suffering from cancer and he would be at liberty to move application seeking exemption from his personal appearance for any subsequent date (s) with clear-cut undertaking that he would keep on rendering due assistance and co-operation to the learned NCDRC. Once any such application is moved, learned NCDRC, after giving due opportunity of hearing to both the sides, would decide the same in



accordance with law. However, nonetheless, on 16.05.2025 both the petitioners would appear, physically, before learned NCDRC.

(iv) Both the petitioners would also be at liberty to move any other application seeking appropriate relief and learned NCDRC would consider the same in accordance with law, after giving due opportunity of hearing to the other side.

16. All the pending applications also stand disposed of in aforesaid terms.
17. A copy of this order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

MAY 13, 2025/dr/shs