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

+ **CM(M) 2612/2024**

PARAMOUNT PROPBUILD PVT. LTD. Petitioner

Through: **Mr. Pranav Koshore Jha, Adv.**

versus

FIROZ AHMAD Respondent

Through: **Respondent in person (through VC)**

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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27.05.2024

CM APPL. 30195/2024 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M) 2612/2024 and CM APPL. 30194/2024—Stay

3. The present petition has been filed under Article 227 of the Constitution of India to impugn the order dated 08.03.2024 passed by the learned National Consumer Disputes Redressal Commission, New Delhi (hereinafter referred to as 'NCDRC') in F.A no.816/2022, F.A no.935/2022, and Appeal Execution no.9/2023.
4. Learned counsel for the petitioner submits that in the year 2013, the respondent filed a complaint bearing CC no.576/2013 before the learned District Consumer Disputes Redressal Forum, Delhi (in short "DCDRF") which was dismissed via order dated 28.08.2014. Aggrieved by the aforesaid order, the respondent filed an appeal bearing F.A no. 940/2014 before the



learned State Consumer Disputes Redressal Commission, New Delhi (in short 'SCDRC').

5. Learned counsel submits that during the pendency of the appeal, the matter was settled in mediation by executing a settlement agreement dated 23.07.2015. On the basis of the said agreement, the learned SCDRC disposed of the first appeal on 28.09.2015.

6. Learned counsel also submits that in terms of the settlement, the respondent made few payments amounting to Rs.9,11,897/- and Rs.1,03,708/-. However, the total amount due and payable at the time of settlement was Rs.24,78,160/-. Consequently, the respondent failed to make the payment of Rs.14,62,555/- as per the settlement agreement. Thereafter, certain correspondence took place between the parties and subsequent thereto, in the year 2016, the respondent filed an execution petition no. 44/2016 before the learned DCDRF.

7. It is submitted that in 2019, the respondent filed an execution appeal no. 546/2019 before the learned SCDRC and thereafter, moved a clarification application in the said appeal. In the meanwhile, the respondent filed a fresh complaint bearing no.CC 10/2022 before the learned SCDRC. This complaint was decided on 26.09.2022, in favour of the respondent. Aggrieved by the said order, the respondent preferred an appeal, F.A no.816/2022 before the learned NCDRC.

8. Learned counsel further submits that the petitioner also filed an appeal, F.A no.935/2022 before the learned NCDRC, whereby the order dated 26.09.2022 passed by the learned SCDRC was set aside. The said order has been impugned before this Court.

9. Learned counsel submits that at the time of admission of the appeal



before the learned NCDRC, the petitioner was directed to deposit Rs.22,94,000/- which he has yet not withdrawn, thus on the same terms, the impugned order be stayed.

10. Submissions heard and the impugned order perused.

11. Subject to deposit of 50% of the decretal amount with SCDRC, the order dated 08.03.2024 is stayed till the next date of hearing. The amount already deposited of Rs.22,94,000/- be included in the fresh deposit to be made. The amount be deposited within two weeks and be kept in FDR by SCDRC.

12. Issue notice.

13. Respondent who appears in person on advance notice, accepts notice.

14. Reply be filed within six weeks with advance copy to the other side.

15. Rejoinder thereto, if any, be filed within two week thereafter with advance copy to the other side.

16. List for hearing on 19.11.2024.

SHALINDER KAUR, J

MAY 27, 2024

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