



\$~95

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1556/2025 & CM APPL. 51152/2025**
BELGRAVIA PROJECTS LIMITED

.....Petitioner

Through: Mr. Siddharth Banthia, Advocate.

Versus

BRAVE HEARTS APARTMENTS OWNERS ASSOCIATION
(REGD) & ORS. & ORS.

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **20.08.2025**

CM APPL. 51153-51154/2025 (Exemption)

Exemption allowed, subject to all just exceptions.

CM(M) 1556/2025

1. Petitioner is opposite party before learned National Consumer Disputes Redressal Commission (in short 'NCDRC').
2. The complaint in question was dismissed on 23.07.2024.
3. While dismissing the abovesaid complaint, learned NCDRC noted that the complainant seemed to have lost interest in pursuing the matter as he, despite grant of ample opportunities, had not filed any rejoinder, evidence-affidavit and synopsis.
4. The complainant was also duly represented when the complaint was dismissed for non-prosecution on 23.07.2024.
5. The grievance is with respect to order dated 09.06.2025 whereby the

CM(M) 1556/2025

1



abovesaid complaint has been restored.

6. The contention is two-fold.

7. Firstly, though, the application was not supported with any request for condoning the delay, the same was allowed on the basis of application filed belatedly, and secondly the restoration has been allowed, without issuing even of a formal notice to the opposite party.

8. Mr. Banthia submits that since, initially, the complaint was dismissed for non-prosecution in the presence of the counsel for the opposite party, ideally speaking, if the abovesaid order was to be re-called, the notice should have been issued by learned NCDRC. According to him, things would have been different had it been a *simpliciter* case of the *dismissal in default* which is primarily between any such Court of the Commission and the concerned applicant on the other side.

9. It is also submitted that the learned NCDRC has directed the parties to file brief synopsis of arguments and no opportunity has been given to the opposite party i.e. petitioner herein, to even submits his affidavit evidence.

10. The next date before the learned NCDRC is stated to be 09.09.2025.

11. None appears on behalf of the respondent/complainant despite advance notice.

12. Issue notice to respondent through all permissible modes, returnable on 29.10.2025. Notice be also issued through counsel.

13. Learned NCDRC is requested to defer the final hearing to a date subsequent to the one given by this Court.

14. However, in the meanwhile, as stated by learned counsel for petitioner, they would be at liberty to move appropriate application before the learned NCDRC seeking permission to place on record their evidence-affidavit.



15. This is, however, without prejudice to their rights and contentions, made in the present petition.

16. Be shown in Supplementary List.

MANOJ JAIN, J

AUGUST 20, 2025/ss/pb