

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10501/2024

M/s Maa Vaishno Build Estates Developers Pvt. Ltd.

-----Petitioner

Versus

Smt. Usha Kiran Tewadi W/o Shri Rakesh Sharma

-----Respondent

For Petitioner(s) : Mr. Ajay Raj Tantia
Mr. Rohit Tantia

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

03/07/2024

1. Instant writ petition has been filed by petitioner under Article 226 of the Constitution of India, challenging the order dated 31.05.2024 passed in appeal No.375/2024 by the Member, National Consumer Disputes Redressal Commission, New Delhi whereby appeal filed by the petitioner has been dismissed, on the ground of delay only and not on merits.
2. The contention of counsel for petitioner is that the State Commission vide judgment dated 13.02.2020 has awarded to pay an amount of Rs.4,21,000/- with interest @ 18% per annum w.e.f. 30.09.2015. The rate of interest is exorbitant and petitioner is ready and willing to pay the amount along with interest @ 9% instead of 18%, in compliance of the judgment of State Commission.
3. It has been pointed out that the appeal filed by the petitioner against the judgment of State Commission has been dismissed only on the ground of delay vide order dated 31.05.2024 passed

by the National Consumer Dispute Redressal Commission, New Delhi and in light of the order dated 04.03.2024 passed by the Hon'ble Supreme Court in case of **Siddharth S Mookerjee Vs. Madhab Chand Mitter: Civil Appeal Nos.3915-3916 of 2024**, the writ petition thereagainst under Article 226 of the Constitution of India before the High Court is maintainable.

4. Let notices be issued to respondents.

5. In the meanwhile, if petitioner deposits decretal amount of Rs.4,21,000/- along with interest @ 9% per annum (instead of 18%) in compliance of the judgment dated 13.02.2020 passed by the State Commission in complaint No.83/2016 within a period of three weeks from today before the State Commission by way of Demand Draft of a nationalized bank drawn in the name of respondent Smt. Usha Kiran, contempt proceedings against the petitioner shall remain stayed.

(SUDESH BANSAL),J