

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19471/2024

Arihant Dream Infra Projects Limited
-----Petitioner
Versus
Ashish Goyal S/o Mr. Tc Goyal
-----Respondent

Connected With

S.B. Civil Writ Petition No. 17222/2024

Arihant Dream Infra Projects Limited
-----Petitioner
Versus
Manish Goyal S/o Mr. Tc Goyal
-----Respondent

S.B. Civil Writ Petition No. 9488/2025

Arihant Dream Infra Projects Limited
-----Petitioner
Versus
Neetu Singh W/o Lal Sahab Singh
-----Respondent

For Petitioner(s) : Mr. Nitish Kumar Bagri with
Ms. Shretima Bagri
For Respondent(s) :

HON'BLE MR. JUSTICE SAMEER JAIN

Order

11/08/2025

1. Present petition is filed assailing the order dated 28.08.2023 passed by the National Consumer Dispute Redressal Commission.
2. Learned counsel for the petitioners has submitted that the respondents have filed a complaint before the learned State Commission seeking possession of the property as the same was not given to within the stipulated time as fixed by the petitioner, thereby alleging deficiency in services of the petitioner. It is

further submitted that the State Commission *sans* considering the contentions of the petitioner directed the petitioner to refund the amount along with interest, within two months.

3. Thereafter, judgment debtor being aggrieved of the order dated 21.09.2022 passed by learned State Commission preferred an appeal before the learned National Commission, whereby, appeal filed by the petitioner herein was dismissed vide order dated 28.08.2023 without considering the petitioners' contentions and the documentary evidences. Moreover, learned Commissions have granted relief to the respondents which is beyond the prayer made by the respondents, thus learned Commissions have not complied with the procedure as prescribed in the CPC.

4. Considering the foregoing facts and circumstances of the case and upon perusal of the impugned judgment dated 28.08.2023, this Court is of the view that as per the provisions of Consumer Protection Act, 2019 (hereinafter referred as 'Act of 2019'), the present petition is not maintainable before this Court for the reason that appeal against the order of learned National Commission shall be filed before the Hon'ble Supreme Court. In this regard, reliance is placed upon Section 67 of the Act of 2019.

The relevant portion of the same is reiterated herein below: -

"Section 67 - Appeal against order of National Commission.

Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) or (ii) of clause (a) of sub-section (1) of section 58, may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period:

Provided further that no appeal by a person who is required to pay any amount in terms of an order of the National Commission shall be entertained by the Supreme Court unless that person has deposited fifty per cent. of that amount in the manner as may be prescribed."

5. Learned counsel for the petitioner seeks time to take instructions qua the above aspect including maintainability of the present petition.
6. Time prayed for, is granted.
7. List the matter on 19.08.2025 in the supplementary cause list.

(SAMEER JAIN),J