

J

SLP(C)No. 13781 OF 2003  
ITEM No.56

Court No. 8

SECTION XVII  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13781/2003

(From the judgement and order dated 13/12/2002 in RP 753/02  
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

HARYANA URBAN DEVELOPMENT AUTHORITY

Petitioner (s)

VERSUS

PUSHPA JAIN & ANR.  
( With Appln(s). for c/delay in filing SLP and with  
prayer for interim relief)

Respondent (s)

Date : 02/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s) Mr. Satinder Singh Gulati, Adv.  
Mrs. Kamaldeep Kaur, Adv.  
Dr. Kailash Chand, Adv.

For Respondent (s)

Respondent-In-Person

UPON hearing counsel the Court made the following  
O R D E R

The National Commission has, by the impugned order, deprecated the practice of the petitioners -herein in not making payment pursuant to orders passed by a competent forum. It has also deprecated the practice of demanding an undertaking that the amount would be refunded to them in the event of the petitioners succeeding in an appeal filed by them. In our view, the National Commission is entirely right. Once there is an order to pay and that order is not stayed either by that forum or by a higher forum, the payment must be made. It is not open to ask for any undertaking to refund the amounts. It is also not open to refuse to pay, if such an undertaking is not given.

We thus see no substance in the Special Leave Petition. The Special Leave Petition stands dismissed. We confirm the findings of the National Commission.

(K.K.Chawla)  
Court Master

(Jasbir Singh)  
Court Master