

ITEM NO.43

COURT NO.11

SECTION XVII-A

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

CIVIL APPEAL NOS. 2764-2771/2022

M/S IREO GRACE REALTECH PVT. LTD.

APPELLANT

VERSUS

SANJAY GOPINATH

RESPONDENT

(ONLY D.NO. 51115/2023 AND I.A. NO. 81886/2024 IN D.NO. 51115/2023 IS LISTED UNDER THIS ITEM.)

WITH

DIARY NO(S). 51115/2023 (XVII-A)

(IA No. 81886/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS, IA No. 84009/2024 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 15-04-2024 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Appellant(s)

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Mr. Ranjit Kumar, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. Anshuman Srivastava, Adv.
Ms. Biswabara Dash, Adv.
Mr. E. C. Agrawala, AOR

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Mr. Ranjit Kumar, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Ms. Rooh-e-hina Dua, AOR
Ms. Dhanakshi Gandhi, Adv.
Ms. Ruchi, Adv.

For Respondent(s)

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Mr. Deepak Kumar Khushlani, Adv.
Mr. Santosh Kumar Pandey, AOR

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Mr. Chritarth Palli , AOR

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Mr. Abhay Kumar, AOR
Mr. Shagun Ruhil, Adv.

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

DIARY NO. 51115/2023:

I.A. Nos. 81886/2024 & 84009/2024:

1. Mr. Ranjit Kumar, learned Senior counsel appearing for the appellant-Company states that despite the fact that this Court had passed an order on 01st March, 2024, issuing notice in the Civil Appeals filed by the appellant-Company and had directed that till further orders, no coercive steps shall be taken against the Directors of the appellant-Company in Execution Application No. 576 of 2022 filed by the respondent herein, in Consumer Complaint No. 773 of 2019, on 08th March, 2024, after taking note of the said order, the National Consumer Disputes Redressal Commission¹, New Delhi had directed learned counsel for the appellant-Company to file an affidavit of compliance in respect of the execution of the decree passed in Consumer Complaint No. 773 of 2019, within two weeks. Further, *vide* order dated 02nd April, 2024, the NCDRC has proceeded to issue Non-bailable Warrants against the Directors of the appellant-Company, returnable on 26th April, 2024.

2. Learned Senior counsel for the appellant contends that the aforesaid order has been passed in the teeth of the protection granted by this Court on

1 For short the 'NCDRC'

01st March, 2024.

3. Issue notice.

4. Learned counsel for the respondent accepts notice on behalf of the legal heirs of the deceased respondent-Late Om Shri Rani.

5. Having regard to the submissions made that despite an order passed by this Court directing that no coercive steps shall be taken against the Directors of the appellant-Company, the NCDRC has proceeded to issue Non-Bailable Warrants against them, it is deemed appropriate to issue notice to the Presiding Member and the Member of the NCDRC, calling upon them to explain how the order was passed on 02nd April, 2024.

6. Reply to the notice to show cause shall be filed within one week. A copy of this order shall be despatched to the NCDRC forthwith. Learned counsel for the appellant shall also take necessary steps to bring the order passed today to the notice of the NCDRC for perusal and compliance. In addition, a copy of this order be given dasti to learned counsel for the appellant-Company.

7. Till further orders, operation of the impugned order(s) and further proceedings in Execution Application No. 576 of 2022 in Consumer Complaint No. 773 of 2019 shall remain stayed.

8. List on 24th April, 2024.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)