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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 31.10.2023

+ CM(M) 1753/2023

SHIVANAND JAIN & ANR.

..... Petitioners

Through: Mr. F. K. Jha and Mr. Gaurav Jha,
Advocates

versus

GOVT. OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Rishikesh Kumar, ASC for
GNCTD with Ms. Sheenu Priya and
Mr. Sumit Chaudhary, Advocates for
R-1

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CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

J U D G M E N T

MANMEET PRITAM SINGH ARORA, J (ORAL):

CM APPL. 55721/2023 (For Exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

CM(M) 1753/2023

1. This petition has been filed under Article 227 of the Constitution of India seeking a limited of relief for issuance of direction to the District Consumer Disputes Redressal Commission-1, North District, Tis Hazari Court, Delhi ('District Commission') to pronounce the final order and judgment in Consumer Complaint No. 209/2021 titled as '**Shivanand Jain**



& Anr. vs. Diya Greencity Ghaziabad Pvt. Ltd. & Ors.’

2. Learned counsel for the Petitioner states that the consumer complaint has been proceeded ex-parte against the opposite party i.e., Respondent No. 3.

2.1. He states that the arguments were heard and judgement was reserved on 11.04.2023. He states that though, approximately seven (7) months have passed from 11.04.2023, the judgment has not yet been pronounced by the District Commission.

2.2. He states that the matter was mentioned twice before the concerned Bench; however, there is no firm date notified for pronouncement of the judgment.

2.3. He relies upon Section 38(7) of the Consumer Protection Act, 2019 ('Act of 2019') to contend that it is the mandate of the statute to decide the complaint expeditiously and that endeavour should be made by Tribunal to decide the complaint within a period of three (3) months from the date of receipt of notice by the opposite party.

2.4. He states that however, though the consumer complaint was first listed on 13.12.2021, the judgment is yet to be pronounced despite passage of approximately a period of two (2) years.

2.5. He states that he does not seek any fresh re-hearing of arguments in the matter by the Tribunal. He states that the written arguments of the Petitioner are already on record for the assistance of the said commission. He states that Petitioner would be satisfied if an appropriate direction is issued to the District Commission to pronounce the judgment in consumer complaint no. 209/2021.

3. This Court has considered the submissions of the Petitioner and



perused the record.

4. The submissions of the counsel for the Petitioner are duly borne out from the record of the Tribunal and from the mandate the statutory scheme of the Act of 2019.

5. In these circumstances, this Court deems it appropriate to request the learned District Commission to pronounce the judgement within a period of four (4) weeks, after this order is placed before it.

6. The Petitioner is granted liberty to move an appropriate application for placing on record this order before the District Commission and upon such an application being filed, the Registry of the District Commission is directed to ensure that the application is listed expeditiously and no later than within one (1) week from the date of the said filing.

7. With the aforesaid directions, the present petition is disposed of.

8. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court i.e., www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 31, 2023/rhc/aa

Click here to check corrigendum, if any