

**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
AT NEW DELHI**

DIARY NO. 1499 / NCDRC / 2025 – RP

(Against the order dated 11.12.2024 in R.P. No. 45/2024 of the
State Consumer Disputes Redressal Commission, U.T., Chandigarh)

Narinder Verma ... Petitioner

Versus

Lalit Bindal & Ors. ... Respondents

NC/DN/32/2025

S.K.Verma ... Applicant

Versus

Lalit Bindal & Ors. ... Non-Applicants

NC/SA/151/2025

(Against the order dated 11.12.2024 in Appeal No. 52/2022, R.P. No. 44/2024 &
Appeal No. 231/2024 along with MA/727/2024 in A/57/2023 of the
State Consumer Disputes Redressal Commission, U.T., Chandigarh)

WITH

NC/IA/4355/2025

NC/IA/4356/2025

(CONDONATION OF DELAY,
EXEMPTION FROM FILING SEPARTE PETITION)

S.K.Verma ... Appellant

Versus

M/s. YPS Developers (P) Ltd. & Ors. ... Respondents

NC/SA/154/2025

(Against the order dated 11.12.2024 in Appeal No. 52/2022, R.P. No. 44/2024 &
Appeal No. 231/2024 along with MA/727/2024 in A/57/2023 of the
State Consumer Disputes Redressal Commission, U.T., Chandigarh)

WITH

NC/IA/4439/2025

NC/IA/4440/2025

NC/IA/4441/2025

(STAY, EXEMPTION FROM FILING COPIES OF ANNEXURES &
CONDONATION OF DELAY)

S.K. Verma ... Appellant

Versus

Lalit Bindal & Ors.

... Respondents

NC/RP/295/2025

(Against the order dated 11.12.2024 in Appeal No. 51/2022, R.P. No. 45/2024 & Appeal No. 232/2024 along with MA/726/2024 in A/56/2023 of the State Consumer Disputes Redressal Commission, U.T., Chandigarh)

WITH

NC/IA/1603/2025 (For stay)

Narinder Verma

... Petitioner

Versus

M/s. YPS Developers (P) Ltd. & Ors.

... Respondents

NC/RP/357/2025

(Against the order dated 11.12.2024 in Appeal No. 51/2022 of the State Consumer Disputes Redressal Commission, U.T., Chandigarh)

WITH

NC/IA/2357/2025

(EXEMPTION FROM FILING SEPARATE PETITION)

Narinder Verma

... Petitioner

Versus

M/s. YPS Developers (P) Ltd. & Ors.

... Respondents

BEFORE:

**HON'BLE MR. JUSTICE A. P. SAHI, PRESIDENT
HON'BLE MR. BHARATKUMAR PANDYA, MEMBER**

Appeared at the time of arguments:

For Petitioner / Appellant : Mr. S.K. Verma (in person)
Mr. Jagan Nath Bhandari, Advocate
Ms. Maitri Grover, Advocate

For the Respondents / : Mr. Shivankar Rao, Advocate
for Mr. Lalit Bindal

Pronounced on: 14th November 2025

ORDER

JUSTICE A.P. SAHI, PRESIDENT

1. The dispute centres around the composite order passed by the State Consumer Disputes Redressal Commission, Union Territory, Chandigarh dated 11.12.2024 and it is challenging the said order, in so far as it affects the respective petitioners – appellants herein, that contentions have been raised which require a common consideration.

2. As indicated and answered hereinafter the Appeals filed under Section 51(2) of the 2019 Act apart from other issues, raise broadly two substantial questions namely, **(1)** whether the State Commission was justified in reopening the issue of liability of Mr. Lalit Bindal under the umbrella of the remand order dated 07.08.2024 passed by this Commission restoring Appeal No. F.A. Nos. 51/2022 and 52/2022? and **(2)** whether the State Commission could have proceeded to undo the binding impact of the final decree dated 23.02.2022 in view of the provisions of Section 68 of the Consumer Protection Act, 2019?

3. The Revision Petitions, in our opinion, raise issues of material irregularity and illegality on account of the entertaining of M.A. No. 726/2024 and 727/2024 and the orders passed thereon. We have therefore discussed the facts and have answered the questions hereinafter accordingly.

4. Three of the matters including Dy. No. 1499/2025, R.P. No. 295/2025 and R.P. No. 357 of 2025 were heard on 03.03.2025 and a detail order was passed noticing the facts and the background of the case and the contentions were noted and notices issued to the respondents directing the matter to come

up on 22.05.2025. The operation of the order dated 11.12.2024 was stayed to the extent as indicated in paragraph 34 of the said order and the petitions were admitted. The order dated 03.03.2025 in the above mentioned three matters is extracted hereinunder:

1. *Revision Petition No. 295 of 2025 has been essentially filed raising objections to the impugned order dated 11.12.2024 **whereby the liability of Respondent No.4 Mr. Lalit Bindal has been set aside by the SCDRC, UT Chandigarh (hereinafter referred to as the State Commission) and is being challenged on the ground that the liability against the Respondent No.4 stood finalized keeping in view the litigation pursued by him and the orders passed from time to time. The contention is that finality was attached to the orders passed in the litigation that was contested by Mr. Lalit Bindal, Respondent No.4, and in the said background there was no occasion to have granted any relief to the said Respondent No.4 by reopening the entire issue qua the Respondent No.4 against whom the decree of the DCDCRC-II, UT Chandigarh (hereinafter referred to as the District Commission) had become final.***

2. *There were two Complaints that had been filed, one by the present Petitioner Mrs. Narinder Verma, being Complaint No. 112/2021, and another Complaint by her husband Mr. S.K. Verma, being Complaint No. 113 /2021, before the District Commission.*

3. *The two Complaints were decided separately but by similar orders and were allowed on 23.02.2022. The Complaints were with regard to the deficiency in service of not having delivered possession of the premises booked by both the Complainants separately and consequently refund was allowed directing payment of the principal amount as well as interest thereon. The refund was directed in terms of two cheques that had been issued, in the present case of Smt. Narinder Verma for a sum of Rs.12,80,000/- being the principal amount and Rs.7,22,788/- being the amount of interest, which were tendered by the Opposite Parties/Builders, the Respondents No. 1 to 3. The said cheques had been returned on the intervention of Respondent No.4 Mr. Lalit Bindal with a promise to pay the entire amount to the Complainants or alternatively an offer had been made for conveyance of a piece of land in lieu of the said payments.*

According to the Complainants, neither the payments were made nor was the land conveyed and as such both the Complaints were filed on which notices were issued to all the Opposite Parties/Respondents. The notices were served and inspite of service of notice, Opposite Parties/Respondents No. 2 and 3 did not appear and they were proceeded ex-parte vide orders dated 28.01.2022. The Opposite Parties/Respondents No. 1 and 4 put in appearance and, despite availing opportunities, neither any written version was filed nor any evidence and consequently their defence was struck off vide orders dated 14.02.2022. Consequently, the matter proceeded against them with only the Complaint allegations and the evidence filed by the Complainants. Since there was no rebuttal to the allegations, the District Commission came to the conclusion that there was deficiency in service and both the Complaints were allowed.

4. Since the present Revision Petition has been filed only by Smt. Narinder Verma, the order passed in Complaint Case No. 112 of 2021 is extracted hereunder:

“8. From the above discussion and findings, we are of the opinion that the deficiency in service has been proved on the part of the OPs. Therefore, the present complaint is allowed with direction to the OPs:-

a] To refund a sum of Rs.7,22,788/- and Rs.12,80,000/- i.e. the amounts of the cheques in question issued in favour of the complainant along with interest @ 6% p.a. from the date of its issuance i.e. 18.08.2016 till its actual realization.

b] To pay a sum of Rs.25,000/- as compensation to the complainant on account of mental tension and physical harassment complaint.

C] To pay an amount of Rs.10,000/- as litigation expenses.”

5. A perusal thereof would indicate that the decree was against all the Opposite Parties/Respondents. The allegation against the Opposite Party/Respondent No.4 Mr. Lalit Bindal was that he had received the cheques that were returned in lieu of getting the new cheques but neither the principal amount was returned nor the cheques were given, as such the Opposite Party/Respondent No.4 was arrayed in the Complaints.

6. Thus, the decree was against all the 4 Opposite Parties/Respondents including Mr. Bindal, Respondent No.4, and the same was put into Execution.

7. The Opposite Party/Respondent No.4 Mr. Lalit Bindal filed a Review Application seeking review of the order dated 23.02.2022.

8. The said Review Application, numbered as Miscellaneous Application No.176 of 2022, was dismissed by the District Commission on 17.10.2022 and the order is extracted hereunder:

“This is a review application U/s 40 of Consumer Protection Act 2019 with the prayer for review the Order dated 23.02.2022 has been filed on behalf of application.

We have gone through application and order dated 23.02.2022 passed by this Commission and also heard the counsel for the applicant.

This Commission has no absolute power to review its own order. As per Section 40 of Consumer Protection Act 2019, District Commission can review its own order if there is an error apparent on the face of the record which we do not find in the aforesaid order. Hence, as per Statutory Provision we have no power to review our own order except as mentioned Under Section 40 of Consumer Protection Act 2019. Thus, this application stands dismissed.

Certified copy be sent to the parties free of charge. After compliance file be consigned.”

9. The application was held to be not maintainable.

10. Mr. Lalit Bindal then made an attempt to challenge the original order dated 23.02.2022 by means of a statutory Appeal before the State Commission, being First Appeal No. 56 of 2023, with a delay of 337 days. In the said Appeal, Mr. Bindal also filed Miscellaneous Application No. 305 of 2023 praying that he may be permitted to deposit 50% of 1/4th of the decretal amount and the Appeal be entertained. The application was accordingly rejected on 25.05.2023 holding that the Commission cannot bring about any reduction in the amount to be deposited and passed the following order:

“STATE CONSUMER DISPUTES REDRESSAL COMMISSION,

U.T. CHANDIGARH

[Additional Bench]

Misc. Application No. IN : **MA/305/2023**

Appeal No. : A/56/2023

Date of Institution : 21/04/2023

Date of Decision : 25/05/2023

Lalit Bindal son of Sh. G.C. Bindal, Resident of H.No. R-14/84, Raj Nagar, Ghaziabad, U.P. – 201002.

... Applicant/Appellant

Vs.

1] Narinder Verma W/o Santosh Kumar Verma S/o Sh.Mahendra Pal Verma, Resident of #3002, SBI Officers Society, Sector 49-D, Chandigarh- 160047.

2] M/s YPS Developers (P) Limited, through its Directors,

Registered Address: B-101, Somvihar, R.K. Puram, New Delhi -110022,

Site Office: YPS Developers (P) Ltd, Dwarika Madhuban Bapudham, Govind Puram, Ghaziabad – 201013.

3] Yag Pal Singh son of Sh. Jagveer Singh, Resident of P-1, Sanjay Nagar, Ghaziabad - 201002.

4] Prince Chaudhary son of Sh. Yag Pal Singh, Resident of P-1, Sanjay Nagar, Ghaziabad 201000.

.... Non-Applicants/Respondents

BEFORE: JUSTICE RAJ SHEKHAR ATTRI PRESIDENT

MRS. PADMA PANDEY MEMBER

RAJESH K. ARYA MEMBER

PRESENT: Sh. Virendra Verma, Advocate for the Applicant/Appellant.

PER PADMA PANDEY, MEMBER

1. By means of present order, we shall be disposing off present misc. application, moved on behalf of Applicant/Appellant, to deposit Demand Draft No. 377108 dated 19.04.2023 for Rs.3,54,352/-, being 50% of one-fourth (1/4th) of the decretal amount. A prayer has been made to stay the operation of the impugned order during the pendency of the appeal.

2. The Respondent No.1/Complainant contested the application by filing objections, inter alia, pleading that the total decretal out works amount to be Rs.28,41,844/-, statutory 50% amount of which works out to be Rs 14,20,992/ and the same is required to be deposited for entertaining the appeal. Thus, the amount of Rs.3,54,352/ deposited by the Applicant/Appellant is short in order to even entertain the appeal. A prayer for dismissal of the present application has been made.

3. We have heard the learned counsel for the Applicant/Appellant and also gone through the record of the case, with utmost care and circumspection.

4. After giving our thoughtful consideration, to the contentions raised and material on record, we are of the considered opinion, that the instant misc. application is liable to be dismissed for the reasons to be recorded hereinafter.

5. Ld. Counsel for the Applicant/Appellant argued that the **Appellant has no liability regarding any dealing of the Respondent No.1/Complainant** with Respondent Nos.2 to 4 (Opposite Parties No.1 to 3) M/s YPS Developers (P) Limited. However, in order to protect his legal right, **the Appellant is depositing Rs.3,54,352/ being 50% of one-fourth (1/4th) of the decretal amount, under protest.** However, we are not impressed with the same, in view of the fact that second proviso to Section 41 of the Consumer Protection Act, 2019, provided that no appeal shall be entertained by the State Commission unless the appellant has deposited fifty percent of the amount awarded by the District Commission. The said proviso reads as thus: -

"Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Commission, shall be

entertained by the State Commission unless the Appellant has deposited fifty per cent of that amount in the manner as may be prescribed."

6. *The afore-extracted second proviso to Section 41 the Act mandates pre-deposit for consideration of an appeal before the State Commission. It requires fifty per cent of the amount in terms of an order of the District Commission for entertainment of an appeal by the State Commission. Meaning thereby, unless the Applicant/ Appellant has deposited the pre-deposit amount, the appeal cannot be entertained by this Commission. Needless to mention here, a pre-deposit condition to deposit fifty per cent of the amount in terms of the order of the District Commission being condition precedent for entertaining appeal, is there only to avoid frivolous appeals.*

7. *As an offshoot of above, we are of the concerted opinion that this Commission cannot do away with the depositing of statutory amount of fifty per cent of the decretal amount awarded by the District Commission. Even otherwise also, there is no provision in the Consumer Protection Act, 2019, empowering this Commission to waive, relax or reduce the amount to be deposited under the second proviso, referred to above. Moreover, this shows the disregard which the Applicant/Appellant has shown to the provisions of law while filing the appeal.*

8. *In view of the findings recorded above, **in absence of any merit, the instant misc. application is accordingly dismissed.** No costs.*

9. *Let it be tagged with the main appeal file.*

10. *However, in the interest of justice, **we grant last and final opportunity to the Applicant/Appellant to deposit the statutory amount of fifty per cent of the awarded amount, within a period of seven days from today, failing which the appeal shall be dismissed for non- deposit** of the statutory amount on the next date of hearing.*

11. *Certified copies of this order, be sent to the parties, free of charge.*

12. *The file be consigned to Record Room, after completion."*

11. **Against the aforesaid order of the State Commission, Mr. Lalit Bindal filed Revision Petition No. 1556 of 2023 before this Commission and the same was dismissed on 26.06.2023 by the following order:**

“Heard counsel for the petitioner.

The above revision has been filed against the order of the State Consumer Disputes Redressal Commission, UT, Chandigarh dated 25.05.2023 passed in appeal no. A/56/2023 by which the appeal has been dismissed for non-compliance of second proviso of Section 41 of the Consumer Protection Act, 2019. The second proviso is quoted below:

Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Commission, shall be entertained by the State Commission unless the appellant has deposited 50 per cent of that amount in the manner as may be prescribed.

Admittedly, proviso is mandatory. Therefore, the State Commission has no option except to follow the proviso. Admittedly, the petitioner has not deposited 50% of the amount required to be paid in terms of the order of the District Forum. Therefore, the appeal was rightly dismissed. There is no illegality in it.

The revision is dismissed.”

12. Mr. Lalit Bindal, the Respondent No.4, had made another attempt to challenge the proceedings of the District Commission and the order dated 23.02.2022 in both the Complaints **by filing Writ Petitions before the High Court of Punjab and Haryana at Chandigarh.** This was a direct attempt of the order of the District Commission against which he had already filed a statutory Appeal referred to above after the dismissal of his Review Application. **These two Writ Petitions No. 28403 and 28632 of 2023 were withdrawn after noticing that a direct challenge to the order dated 23.02.2022 of the District Commission had also been raised by the Builders, Opposite Party No.1, through Writ Petition No. 18068 of 2022 that had also been dismissed.** The Builders had also challenged the order of the learned Single Judge in LPA No. 745 of 2022 that was also dismissed on 05.09.2022.

13. The learned Single Judge after noticing the aforesaid facts, permitted the withdrawal of the Writ Petitions on the ground that he proposes to challenge the validity of the statutory provisions. The order of the High Court dated 08.01.2024 regarding withdrawal of the Writ Petitions is extracted hereunder:

“IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision : 08.01.2024

CWP-28403-2023

LALIT BINDAL

...Petitioner

VERSUS

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

AND OTHERS

....Respondents

CWP-28632-2023

LALIT BINDAL

...Petitioner

VERSUS

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

AND OTHERS

....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Pankaj Chandgothia, Advocate
for the petitioner.

Mr. Ashish Rawal, Advocate

for respondents No.2 to 4-U.T. Chandigarh

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present petitions is to the order dated 23.02.2022 (Annexure P-2) passed by respondent No.4 i.e. District Consumer Disputes Redressal Commission-II, Chandigarh in consumer complaint No. 112 and 113 of 2021 respectively and order dated 25.05.2023 (Annexure P-4) passed in First Appeal No. 57 of 2023 as well as to the order dated 26.06.2023 (Annexure P-5) passed in Revision Petition No. 1556 of 2023 and 1557 of 2023 respectively.

Learned counsel appearing on behalf of the petitioner contends that the impugned award dated 23.02.2022 is passed by the Consumer Disputes Redressal Commission in violation of Section 36 of the Consumer Protection Act, 2019 and aggrieved thereof, the petitioner had preferred an appeal before the State Consumer Disputes Redressal

Commission. However, as per the mandatory statutory requirement of depositing 50% of the amount as awarded by the District Commission is to be satisfied before filing of appeal, the contention of the petitioner is that he is liable to deposit 50% of the amount that would fall to his share amongst the respondents-opposite parties. He thus contends that the mandate should be read as 50% of the 1/4th of the amount that is required to be deposited by the petitioner since he was OP No. 4.

The award has been perused, there is no such apportionment of liability by the District Commission on the respect of respondents. The order having not apportioned the compensation inter se amongst the opposite parties, it cannot be read that the petitioner-OP No.4 is liable to pay only the proportionate amount as per order. The liability in such circumstances has to be deemed as joint and several.

Faced with the above, counsel for the petitioner contends that the provision needs to be read down so as to be harmoniously construed and that in the event the aforesaid provision is construed the way that it is, the impact can be understood by the fact that in the event of each of the opposite parties preferring to file a separate appeal, the amount required to be deposited would be twice the amount as ordered to be awarded. He is, however, confronted with the fact that the petitioner has not raised a challenge to the second provision of Section 41 of the Consumer Protection Act, 2019 and as such, in the absence of any challenge to the said provision, the prayer for reading down the statutory provision would not be maintainable. Reading down of a statutory provision is only one of the causes to be adopted by a Court when a challenge to statutory provision is made and not otherwise. In the absence of any such challenge, the literal rule of interpretation would step in and the provision has to be read in the way that its primary reading suggest.

Counsel for the respondents No.2 to 4-U.T. Chandigarh, however, submits that the OP No.1 i.e. M/s YPS Developers (P) Ltd. had also raised a challenge to the order dated 23.02.2022 before this Court in CWP No. 18068 of 2022. The above mentioned writ petition was dismissed vide order dated 18.08.2022 against which LPA No. 745 of 2022 was preferred. The said Letters Patent Appeal had also been dismissed vide order dated 05.09.2022.

Counsel for the petitioner, however, contends that the issues involved in the said case did not relate to the legal arguments advanced in the present writ petitions. He prays for withdrawal of the present writ petitions so as to prefer an appropriate petition and to raise a challenge to the statutory provision.

The above said prayer is not opposed by the counsel appearing on behalf of respondents No.2 to 4-U. T. Chandigarh.

In lieu of the aforesaid submission, **the present petitions are disposed of as withdrawn with liberty as aforesaid.**

A photocopy of this order be placed on the file of connected case.”

14. With this in background, since Mr. Lalit Bindal did not comply with the order of a pre-deposit dated 25.05.2023 extracted hereinabove, in the statutory Appeal filed by him being First Appeal No. 56 of 2023, an order was **passed on 21.07.2023 holding that the Appeal cannot be entertained and the another application moved by Mr. Bindal for further two months' time to deposit the statutory pre-deposit was also declined.** However, the order was passed without prejudice to his right to deposit the balance of 50% of the decretal amount for filing afresh as per law. **The order dated 21.07.2023 is extracted hereunder:**

“STATE CONSUMER DISPUTES REDRESSAL COMMISSION
UT CHANDIGARH

First Appeal No. A/56/2023

(Arisen out of Order Dated 23/02/2023 in Case No. cc/113/2021 of District DF-II)

LALIT BINDAL Vs. NARINDER VERMA and Others

BLEORE:

HON'BLE MRS. PADMA PANDEY PRESIDING MEMBER

HON'BLE MR. RAJESH KUMAR ARYA MEMBER

PRESENT

Dated: 21 Jul 2023

PRESENT

Sh. Amnol Verma, Advocate for the Appellant.

Dated: 21.07.2023

ORDER

As reported by the office, the demand draft dated 19.04.2023 for Rs 3,71,570/- being 50% of 1/4th of the decretal amount deposited by the appellant, has been deposited in the bank for keeping the amount of draft in FDR.

Appeal filed by the appellant has not been entertained so far for want of deposit of statutory amount of 50% of the awarded amount. Now the appellant has moved an application for grant of two months more time to deposit the balance amount of 50%- Pre-deposit money.

Earlier this Commission has dismissed MA/304/2023 moved by the appellant vide detailed order dated 25.5.2023 by observing that there is no provision in the Consumer Protection Act, 2019, empowering this Commission to waive, relax or reduce the Statutory amount to be deposited under the second proviso to Section 41 of the Consumer Protection Act, 2019. Appellant went in revision before the Hon'ble NCDRC, New Delhi against the said order dated 25.5.2023 by filing Revision Petition No 1556 of 2023 which was dismissed vide dated 26.6.2023.

As the appellant is required to deposit 50% of the amount awarded by the District Commission and without depositing the same, **this appeal** against the order of the Lower Commission **cannot be entertained**. Application seeking **two months more time to deposit the balance amount is accordingly declined**, however, without prejudice to the right of the appellant to deposit the remaining balance of 50% of the awarded amount **for filing fresh by law**.

Copies of this order be sent to the parties, free of charge. **The file be consigned**"

15. The Opposite Party/Respondent No.4 Mr. Bindal attempted to avoid the appellate jurisdiction and did not make any deposit of 50% for challenging the order dated 23.02.2022 but adopted another course by filing a Revision Petition challenging the same order dated 23.02.2022 in **Revision Petition No. 40 of 2023 before the same State Commission. This was obviously done by attempting to have a second round against the order dated 23.02.2022, after having failed to avail the opportunity of depositing the 50% amount and pursuing his Appeal. The State Commission after noticing these facts rejected the Revision Petition on 11.03.2024 by the following order:**

"STATE CONSUMER DISPUTES REDRESSAL COMMISSION,
U.T. CHANDIGARH
[Additional Bench]

Revision Petition No RP/40/2023

Date of Institution 14/09/2023

Date of Decision 11/03/2024

Lalit Bindal son of Sh. G.C. Bindal, Resident of 14/84, Rajnagar, Ghaziabad
201002

.... Revision Petitioner

Vs.

1. Narinder Verma wife of S.K. Verma, Resident of 3002, SBI Officers Society,
Sector 49-D, Chandigarh- 160047.

2. M/s YPS Developers (P) Limited

Registered Address: B-101, Somvihar, R.K. Puram, New Delhi -110022,
through its Directors - Yag Pal Singh and Prince Chaudhary, P-1. Sanjay
Nagar, Ghaziabad - 201002

3. Yag Pal Singh son of Sh. Jagveer Singh, P-1, Sanjay Nagar, Ghaziabad -
201002.

4. Prince Chaudhary son of Sh. Yag Pal Singh, P-1. Sanjay Nagar, Ghaziabad
201002.

.... Respondents

BEFORE: MRS. PADMA PANDEY PRESIDING MEMBER

PREETINDER SINGH MEMBER

PRESENT

Sh. Pankaj Chandgothia, Advocate for the Revision Petitioner.

Sh. S.K. Verma, Advocate, Advocate for the Respondent No. 1

Sh. Devinder Kumar, Advocate for the Respondent Nos.2 to 4

PER PADMA PANDEY, PRESIDING MEMBER

1. The present revision petition has been filed on 14.09.2023 challenging the impugned order dated 23.02.2022 vide which the Learned District Consumer Disputes Redressal Commission-II, U.T. Chandigarh (for brevity hereinafter to be referred as "the Ld. District Commission"), allowed the Consumer Complaint bearing No.CC/112/2021. Earlier, the Revision Petitioner had preferred appeal bearing No. A/56/2023 before this Commission against the aforesaid orders by depositing fifty per cent of one-fourth of the awarded amount as the Revision Petitioner was only one of the four Opposite Parties against whom the impugned order was passed. However, this Commission did not entertain the said appeal holding that the Appellant has to deposit fifty per cent of the full awarded amount to have a right of appeal. This Commission gave liberty to the Revision Petitioner to deposit the deficient mandatory deposit whereupon his appeal would be entertained. However, when the

Revision Petitioner could not arrange the fifty per cent of the awarded amount, he has filed the instant revision petition under Section 47 of the Consumer Protection Act, 2019.

*2. Along with the revision petition, the Revision Petitioner **has filed a separate application bearing no. MA/702/2023 for converting appeal to revision.** During the course of proceedings, the Learned Counsel for the Revision Petitioner does not press the said application, therefore, **vide order dated 27.02.2024, it was ordered to be filed.***

3. This order will dispose off an application bearing MA/729/2023 seeking condonation of delay of 479 days in filing the revision petition, filed alongwith the revision petition.

4. This application has been vehemently contested by the Respondent No.1 by filing reply.

5. We have heard the Learned Counsel for the parties on application for condonation of delay and also carefully perused the record.

6. The application for condonation of delay has been moved without mentioning any provision of law, inter alia, on various grounds ie. delay has taken place on account of procedural irregularities in the proceedings before this Commission, serious health issues of the Revision Petitioner/Applicant and wrong legal advice tendered.

7. Per contra, Learned Counsel for the Respondent No.1 submitted that no sufficient grounds have been made out for condonation of delay. As per law each and every day has to be explained for condonation of delay. No explanation has been given by the Revision Petitioner. While pleading that the Revision Petitioner is not entitled for the reliefs prayed, it has been submitted that the present application as well as revision petition both deserve to be dismissed.

*8. However, it needs to be emphasized that perusal of the statutory position reflects that the appeal against an order should be preferred within a period of forty five days from the date of impugned order. On perusal of record before us, it is clear that the limitation for filing the appeal under Section 41 of the Consumer Protection Act, 2019 had expired on 14.04.2022 and to file the Revision Petition had expired on 31.05.2022. Admittedly, the impugned order was pronounced on 23.02.2022 and **the present revision petition was filed on 14.09.2023 i.e. after a delay of 479 days.***

9. Learned Counsel for the Revision Petitioner contented that the grounds for

condonation of delay taken in previous application filed along with Appeal No. 56 of 2023, which has not been entertained by this Commission for want of statutory deposit, be read here in the present application as well. However, we are not impressed with the same. Admittedly, Appeal No. 56 of 2023 was disposed of by this Commission vide order dated 21.07.2023. To our mind, there is no provision that allows for the consideration of the contents of a previously disposed of application for condoning the delay in a subsequent application for condonation of delay filed by the same person as has been done by the Revision Petitioner. Therefore, the contention raised by the Learned Counsel for the Revision Petitioner is bereft of any merit and is hereby declined. In other words, once an application for condoning the delay has already been disposed of, its contents should not be revived or reconsidered in a subsequent application for condonation of delay in filing the revision petition.

10. While placing reliance on the order dated 10.01.2022 passed by the Hon'ble Supreme Court in Re: Cognizance for Extension of Limitation, Learned Counsel for the Revision Petitioner raised a plea that benefit of aforesaid order as extended by the Hon'ble Supreme Court during COVID-19 is available to the Revision Petitioner as the Learned District Commission proceeded in undue haste and passed orders which resulted in grave miscarriage of justice and the Revision Petitioner was condemned unheard. However, we are not inclined to accept the said plea. By the said orders, the Hon'ble Supreme Court not only preferred for the extension of period of limitation but also made it clear that in computing the period of limitation for all proceedings, the period from 15.03.2020 till 28.02.2022 shall stand excluded. No doubt, at the time when the impugned order was pronounced i.e. 23.02.2022, the aforesaid order dated 10.01.2022 was in vogue, but after 28.02.2022 there was no impediment in filing the appeal on or before 14.04.2022. Needless to mention here that the law assists those who are vigilant, not those who sleep over their rights. The Hon'ble Supreme Court extended the deadlines for protecting the rights of parties and ensuring that their remedies and defenses were not barred when the whole world was in the grip of devastating pandemic.

11. **The explanations provided by the Revision Petitioner are not sufficient to justify the delay.** In order to condone the delay, the Revision Petitioner has to satisfy this Commission that there was sufficient cause for preferring the revision petition after the stipulated period. The term 'sufficient

cause has been explained by the Apex Court in "Basawaraj and Ors. Vs. The Spl. Land Acquisition Officer, reported in AIR 2014 SC 746. The relevant paras of the aforesaid judgment are reproduced as under:-

*9. Sufficient cause is the cause for which Defendant could not be blamed for his absence. The meaning of the word "sufficient" is "adequate" or "enough", inasmuch as may be necessary to answer the purpose intended. Therefore, the word 'sufficient embraces no more than that which provides a platitude, which when the act done suffices to accomplish the purpose intended in the facts and circumstances existing in a case, duly examined from the view point of a reasonable standard of a cautious man. In this context, "sufficient cause" means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of a case or it cannot be alleged that the party has "not acted diligently" or "remained inactive". However, the facts and circumstances of each case must afford sufficient ground to enable the Court concerned to exercise discretion for the reason that whenever the Court exercises discretion, it has to be exercised judiciously. The applicant must satisfy the Court that he was prevented by any "sufficient cause" from prosecuting his case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay. The court has to examine whether the mistake is bona fide or was merely a device to cover an ulterior purpose"

12. We also deem it appropriate to refer to "Anil Kumar Sharma vs. United Indian Insurance Co. Ltd. and Ors.", reported in IV(2015) CPJ 453 (NC), wherein the Hon'ble National Consumer Commission held as under:-

12. we are not satisfied with the cause shown to justify the delay of 590/601 days. Day to day delay has not been explained. Hon'ble Supreme Court in a recent judgment of Anshul Aggarwal v. New Okhla Industrial Development Authority, IV (2011) CPJ 63 (SC) has held that while deciding the application filed for condonation of delay, the Court has to keep in mind that special period of limitation has been prescribed under the Consumer Protection Act, 1986, for filing appeals and revisions in consumer matters and the object of expeditious adjudication of the consumer disputes, will get defeated if the appeals and revisions, which are highly belated are entertained."

13. We further deem it appropriate to refer to "Lingeswaran etc. Versus Thirunagalingamin", Special Leave to Appeal (C) Nos.2054-2055/2022 decided on 25.02.2022, wherein the Hon'ble Supreme Court held as under:

“5. We are in complete agreement with the view taken by the High Court. Once it was found even by the learned trial Court that delay has not been properly explained and even there are no merits in the application for condonation of delay, thereafter, the matter should rest there and the condonation of delay application was required to be dismissed. The approach adopted by the learned trial Court that, even after finding that, in absence of any material evidence it cannot be said that the delay has been explained and that there are no merits in the application, still to condone the delay would be giving a premium to a person who fails to explain the delay and who is guilty of delay and latches. At this stage, the decision of this Court in the case of Popat Bahiru Goverdhane v. Land Acquisition Officer, reported in (2013) 10 SCC 765 is required to be referred to. In the said decision, it is observed and held that the law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribes. The Court has no power to extend the period of limitation on equitable grounds. The statutory provision may cause hardship or inconvenience to a particular party but the Court has no choice but to enforce it giving full effect to the same.”

14. From the aforesaid dicta of the Hon'ble Apex Court and the Hon'ble National Commission, it is clear that 'sufficient cause' means that the party should not have acted in a negligent manner or there was a want of bona fide on its part and the applicant must satisfy the Court that he was prevented by any “sufficient cause” from prosecuting his/her case, and unless a satisfactory explanation is furnished, the Court should not allow the application for condonation of delay.

15. In the instant case, the Revision Petitioner has not acted bonafidely and the grounds taken by the Revision Petitioner are nothing but after thought to mislead the Court and thus do not merit consideration. The Hon'ble Supreme Court has held that party who has not acted diligently or remains inactive is not entitled for condonation of delay. The Hon'ble Supreme Court in the case of "R. B. Ramlingam vs. R. B. Bhavaneshwari", reported as 1 (2009) CLT 188 (SC) has also described the test for determining whether the petitioner has acted with due diligence or not. The Hon'ble Supreme Court has held as under:-

"We hold that in each and every case the Court has to examine whether delay in filing the special appeal leave petitions stands properly explained. This is the basic test which needs to be applied. The true guide is whether the

petitioner has acted with reasonable diligence in the prosecution of his appeal/petition."

16. *Condonation of delay is not a matter of right and the applicant has to set out the case showing sufficient reasons which prevented them to come to the Court/Commission within the stipulated period of limitation. The Hon'ble Supreme Court in the matter of "Ram Lal and Ors. Vs. Rewa Coalfields Limited", reported as AIR 1962 Supreme Court 361 has held as under:-*

"It is, however, necessary to emphasise that even after sufficient cause has been shown a party is not entitled to the condonation of delay in question as a matter of right. The proof of a sufficient cause is a condition precedent for the exercise of the discretionary jurisdiction vested in the Court by Section 5. If sufficient cause is not proved nothing further has to be done; the application for condoning delay has to be dismissed on that ground alone. If sufficient cause is shown then the Court has to enquire whether in its discretion it should condone the delay. This aspect of the matter naturally introduces the consideration of all relevant facts and it is at this stage that diligence of the party or its bona fides may fall for consideration; but the scope of the enquiry while exercising the discretionary power after sufficient cause is shown would naturally be limited only to such facts as the Court may regard as relevant."

17. *The burden is on the Revision Petitioner to show that there was sufficient cause for the delay. The expression 'sufficient cause' has been discussed and defined by the Hon'ble Supreme Court in the case of "Basawaraj & Anr. Vs. The Spl. Land Acquisition Officer" 2013 AIR SCW 6510 (supra).*

18. *Also in the case of "Anshul Aggarwal Vs. New Okhla Industrial Development Authority" reported as (2011) 14 SCC 578, the Hon'ble Supreme Court has warned the Commissions to keep in mind while dealing with such applications the special nature of the Consumer Protection Act. The Hon'ble Supreme Court has held as under:-*

"It is also apposite to observe that while deciding an application filed in such cases for condonation of delay, the Court has to keep in mind that the special period of limitation has been prescribed under the Consumer Protection Act, 1986 for filing appeals and revisions in consumer matters and the object of expeditious adjudication of the consumer disputes will get defeated if this court was to entertain highly belated petitions filed against the orders of the consumer foras."

19. *In a recent judgment the Hon'ble Supreme court observed that condonation of delay would depend on the background of each and every*

case; and routine explanation would not be enough. The Hon'ble Supreme Court in "University of Delhi vs. Union of India & Ors." in Civil Appeal Nos. 94889489 of 2019 (Arising out of SLP (Civil) Nos. 55815582 of 2019) decided on 17.12.2019 has held as under: -

"The consideration for condonation of delay would not depend on the status of the party namely the Government or the public bodies so as to apply a different yardstick but the ultimate consideration should be to render even handed justice to the parties. Even in such case the condonation of long delay should not be automatic since the accrued right or the adverse consequence to the opposite party is also to be kept in perspective. In that background while considering condonation of delay, the routine explanation Page 24 of 34 would not be enough but it should be in the nature of indicating "sufficient cause" to justify the delay which will depend on the backdrop of each case and will have to be weighed carefully by the Courts based on the fact situation

...

That apart when there is such a long delay and there is no proper explanation, latches would also come into play while noticing as to the manner in which a party has proceeded before filing an appeal."

20. The Revision Petitioner has miserably failed to explain 479 days delay to be condoned in filing the present revision petition or as to why he did not take immediate steps even after passing of the order dated 23.02.2022. The Revision Petitioner has miserably failed to explain the day-to-day delay caused. Having regard to the statutory position discussed in paras supra and the facts of the case, the applicant/Revision Petitioner has failed to show any sufficient cause for the delay in filing the present revision petition. Therefore, the application filed by the Revision Petitioner seeking condonation of delay cannot be admitted and accordingly, the same is dismissed on the above grounds.

21. Consequently, the present revision petition filed beyond the statutory period also stands dismissed. However, in the facts of the case, there shall be no order as to cost.

22 Certified Copies of this order be sent to the parties, free of charge.

23. The file be consigned to Record Room, after completion."

16. The litigation takes a very peculiar turn thereafter. Both the Complainants, including the present Petitioner Smt. Narinder Verma, filed Miscellaneous Applications for release of the amount that had been deposited by Mr. Bindal and were deposits in the Appeals filed by Mr. Bindal being First

Appeals No. 56 and 57 of 2023. In the present case, this Commission is concerned with the

Appeal filed by Mr. Bindal in respect of the amount deposited in the Appeal regarding the present petitioner Smt. Narinder Verma. **The State Commission passed orders on 26.02.2024 for release of the said amount.**

The order is extracted hereunder:

“State Consumer Disputes Redressal Commission

U.T., Chandigarh (Additional Bench)

MA/566/2023

in A/57/2023

Lalit Bindal Vs. Narinder Verma & Ors.

BEFORE:

JUSTICE RAJ SHEKHAR ATTRI, PRESIDENT

RAJESH K.ARYA, MEMBER

PREETINDER SINGH, MEMBER

PRESENT:

Sh.S.K.Verma, Advocate, for the applicant/respondent No.1

None for the Non-applicant/appellant.

Sh. Devinder Kumar, Advocate for Respondent Nos.2 to 4.

Dated: 26/02/2024

ORDER

Ld. Counsel for the applicant/respondent No.1 submitted that CWP-28403/2023 and CWP-28632/2023 both filed by Sh. Lalit Bindal, appellant before the Hon'ble High Court of Punjab & Haryana at Chandigarh stood disposed of as withdrawn vide order dated 8.1.2024.

Sh.Pankaj Chandgothia, Advocate representing the non-applicant/appellant on voice call stated that this application may be disposed of and the amount deposited by the non-applicant/appellant at the time of filing the appeal be transferred to Ld. Lower Commission.

Accordingly the amount of Rs.3,54,352/- lying deposited with this Commission alongwith accrued interest is ordered to be remitted to Ld. District Commission-II, Chandigarh, which shall be dealt with in accordance with law.

MA/566/2023 stands disposed of accordingly.

Copy of this order be sent to the parties, free of charge. The file be consigned.”

17. Accordingly, the amount deposited in the case of Smt. Narinder Verma to the tune of Rs.3,54,352/- before the State Commission was remitted to the District Commission to be dealt with in accordance with law. However, it may be mentioned that the Execution Applications that were pending had already been transferred to the District Commission. The aforesaid order was passed in the light of the said facts.

18. It is at this stage that Mr. Lalit Bindal filed Revision Petition No. 44 of 2024 giving rise to the impugned order, with which this Commission is concerned, along with Revision Petition No. 45 of 2024 in respect of both the Complaints on 24.05.2024, with a prayer not to release the amounts that were transferred vide order dated 26.02.2024.

19. The Revision Petitions came up for consideration when it was informed on an Office report dated 31.05.2024 that **the amount had already been transferred to the account of the Complainants on 20.05.2024 i.e. 5 days before the filing of the Revision Petitions by Mr. Lalit Bindal.** This request by Mr. Lalit Bindal for not releasing the amount was therefore **disposed off as infructuous which has already been noted in paragraph-11 of the impugned order.**

20. Mr. Lalit Bindal then made another peculiar attempt by moving **Miscellaneous Applications No. 726 and 727 of 2024 in First Appeals No. 56 and 57 of 2023 that had already concluded as against Mr. Bindal vide order dated 21.07.2023 extracted hereinabove.** Thus, this attempt was made contending that the Complainants against the original order dated 23.02.2022 had filed Appeals for enhancement of amount which Appeals were dismissed on 30.09.2022 against which they had filed Revision Petitions before the National Commission and the orders dated 30.09.2022 passed in their Appeals had been set aside and restored back to the State Commission remanding the matter for decision in accordance with law on merits.

21. Thus, Mr. Bindal, who had failed in his attempt to get the original orders set aside in all the proceedings noted hereinabove, moved these Miscellaneous Applications in his Appeals which stood foreclosed vide orders dated 25.05.2023, 26.06.2023 and 21.07.2023, with a prayer to reopen the Appeals and consider the same once again.

22. It is then that the Appeals filed by the Complainants that had been remanded back from the National Commission, the aforesaid two

applications filed by Mr. Lalit Bindal in his Appeals referred to above, and Appeals No. 231 and 232 of 2024 filed by the Developers assailing the order dated 23.02.2022 were all taken up together and the impugned order was passed on 11.12.2024.

23. What is evident from a reading of the entire order is that the Appeals filed by the Complainants for enhancement were partly allowed. The Appeals filed by the Builders, being First Appeals No. 231 and 232 of 2024, were dismissed being barred by limitation and also on merits.

24. However, insofar as Mr. Lalit Bindal's **Miscellaneous Applications No. 726 and 727 of 2024, filed by him in his own Appeals No. 56 and 57 of 2023, are concerned, the same were allowed. Not only this, Revision Petition No. 44 of 2024 filed by Mr. Bindal against the direction for release of the amount was also allowed and the original order dated 23.02.2022 qua Mr. Bindal, the Respondent No.4, was modified to the extent that he was absolved of his liability under the original decree dated 23.02.2022 altogether and the amount deposited by him that was meant to be released to the Complainants, including the present Petitioner, and had been actually deposited in their accounts, was directed to be refunded.**

25. It is this part of the impugned order that has been challenged through the present compilation in a Revision Petition.

26. Learned counsel for the Petitioner has urged that so far as Mr. Lalit Bindal is concerned, all proceedings against him and the challenge raised by him stood finalized with the orders passed at various stages and extracted hereinabove. The original order dated 23.02.2022 had been challenged in Appeals No. 56 and 57 of 2023 that had been filed with a delay of 337 days. Delay in those Appeals was never condoned nor were the Appeals entertained as they had been filed without the requisite pre-deposit. It is urged that admittedly the Appeals filed by Mr. Bindal were never pursued thereafter and instead he filed Revision Petition No. 1556 of 2023 that was also dismissed. The Writ Petition filed thereafter was withdrawn with liberty to challenge the statutory provisions. There is nothing on record to indicate that Mr. Bindal succeeded in getting any orders in any of the challenge raised by him against the order dated 23.02.2022.

27. Learned counsel therefore submits that firstly there was no Appeal pending and could not be reopened as neither the Appeals were admitted, nor the delay condoned nor was there any statutory pre-deposit made. Thus, an

incompetent Appeal stood foreclosed with the passing of the order on 25.05.2023 and again with the dismissal of the Revision Petition on 26.06.2023 and the subsequent order in the same appeals on 21.07.2023. Mr. Bindal voluntarily did not choose to pursue the said remedy and then instead filed a Revision No. 40 of 2023 that was dismissed on 11.03.2024 and then two Miscellaneous Applications in those very Appeals which stood foreclosed. It is these applications that have been allowed and a Revision Petition challenging the transfer of the amount and its remittance has also been allowed.

28. **Mr. Bindal had also filed CWP No. 13997 of 2024 before the High Court and did not pursue the same. The said Writ Petition was taken up on 30.01.2025 and, on the intimation given about the disposal of the matter on 11.12.2024 by the State Commission, the same has been dismissed for non-prosecution. The order is extracted hereunder:**

“IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13997-2024

Date of decision: 30.01.2025

Mr. Lalit Bindal

...Petitioner

Versus

National Consumer Disputes Redressal Commission and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: None for the petitioner.

Mr. Yaman, Advocate,
for respondents No.5 and 6.

ARUN PALLI, J. (Oral)

At the outset, learned counsel for respondents No.5 and 6 submits, **for the appeal preferred by the petitioner has since been decided, nothing substantive survives in the petition and the same be disposed of, as having been rendered infructuous.**

Be that as it may, the case has been called out twice, but neither the petitioner nor anyone on his behalf is present to pursue the matter. That being so, the Court is choice-less, **but to dismiss the petition for non-prosecution.**

Dismissed for non-prosecution.”

29. Learned counsel submits that what Mr. Bindal could not get directly and lawfully has been extended under the impugned order to him in a very peculiar and strange manner by adopting a procedure by the State Commission which is unknown to law. Not only the procedure and the methodology is patently illegal but the impugned order is also a manifest illegality which gives not only rise to a substantial question of law but also raises a question of gross injustice and miscarriage of justice. Learned counsel contends that it is not understood as to why Mr. Lalit Bindal was extended this benefit of absolving him of his liability when he himself could not succeed in the contest against the order dated 23.02.2022 that has become final against him.

30. **Prima facie, the aforesaid contentions raised by the Petitioner therefore requires a serious consideration given the background of the litigation as mentioned above** and the present Revision Petition along with the two other connected matters are entertained subject to any final orders regarding the status of the proceedings either as a Revision Petition or as a Second Appeal or under any other provision within the jurisdiction of this Commission to be decided after the Respondents are put to notice, particularly Mr. Lalit Bindal, the Respondent No.4 herein.

31. **The issue of doctrine of finality appears to be attracted on the facts of the present case**, including the provisions of Section 68 of the Consumer Protection Act, 2019 extracted hereunder:

"68. Finality of orders. – Every order of a District Commission or the State Commission or the National Commission, as the case may be, shall, if no appeal has been preferred against such order under the provisions of this Act, be final."

32. It may be noted in the instant case as narrated above, the Appeal had been preferred by Mr. Lalit Bindal and the orders passed thereon on 25.05.2023 and 21.07.2023 were final. The Revision Petition was dismissed on 26.06.2023. The other Revision Petition was dismissed on 11.03.2024. Mr. Bindal did not make the pre-deposit to get the Appeal reopened and instead filed the Revision Petition that was dismissed on 11.03.2024. **Prima facie, the said orders seem to be final and therefore it needs to be considered as to under which provision were the Miscellaneous Applications No. 726 and 727 of 2024 were entertained by the State Commission in the said Appeals and the final orders referred to above were upturned.** Needless to mention that the delay in filing of appeals was never condoned nor the pre-deposits were satisfied.

33. *Revision Petition No. 44 of 2024 whether could be maintained and whether the final order by the District Commission could be set at naught through the impugned order is yet another question that arises on the facts of the present case to be considered finally.*

34. *In the wake of the aforesaid facts, the position of law as well as the circumstances indicated hereinabove, it is directed that the operation of the impugned order dated 11.12.2024 insofar as it relates to Mr. Lalit Bindal as contained in Paragraph-16 and Paragraphs 23 – 24 shall remain stayed until further orders of the Court.*

35. *It may be clarified that this interim order is confined only to the aforesaid extent and would not be an impediment for the Execution proceedings that are pending.*

36. *Admit.*

37. *Issue notice to the Respondents returnable by the next date fixed.*

38. *List on 22.05.2025.*

39. *A copy of this order shall be dispatched to the State Commission as well as to the District Commission for being kept on record as also on the record of the Execution Applications arising there-from.*

5. Another set of appeals of Dy. Number was filed by Mr. S. K. Verma that have been registered as Dy. No. 32 of 2025, SA No. 151 of 2025 and SA No. 154 of 2025, where once again the very same order is challenged and after noticing the order dated 03.03.2025, these three matters were also admitted vide an order dated 22.04.2025 which is extracted hereinunder:

Admit.

Heard learned counsel for the petitioners in these petitions as well as the learned counsel for the respondent no. 1, Mr. Lalit Bindal. The order of the State Commission dated 11.12.2024 is impugned simultaneously in these three matters as well as two other revision petition nos. 295 of 2025 and 357 of 2025 as well as Diary no. 1499/NCDRC/2025. The impugned order to the extent as pleaded in these petitions has been challenged, and on a consideration of the nature of the order passed, an interim order has been passed on 03.03.2025 in the other three matters referred to above, a copy whereof

has been placed before the Bench by the learned counsel for the respondent no. 1. His submission is that these matters be simultaneously heard as the other three matters have already been fixed for 22.05.2025. He also prays that the matters be heard finally keeping in view the nature of the dispute raised in order to resolve the controversy at the earliest, as the first respondent is facing financial difficulties and the same requires an early redressal.

Learned counsel for the petitioner submits that the protection granted under the interim order dated 03.03.2025 be extended in these petitions as well and he has no objection to all the matters being heard simultaneously.

Keeping in view the submissions raised, let all these three matters be simultaneously listed on 22.05.2025 along with the other three matters referred to hereinabove and the interim orders granted therein shall be applicable in these matters as well.

Learned counsel for both the parties shall file their written synopsis, if so desired by the dated fixed and exchange it between themselves.

6. All the matters were connected and then taken up simultaneously.
7. I.A. No. 21485 of 2025 had been moved in Dy. No. 32 of 2025 that was disposed of vide an order dated 13.08.2025 which is extracted hereinunder:

Heard Mr. Verma, petitioner in person, who has appeared online and the learned counsel for the applicant.

This application has been moved praying for setting aside the order dated 14.07.2025 passed by the District Commission directing the District Commission not to release any amount to the petitioner/ complainant till any adjudication of the present petition and thirdly direct the petitioner/ complainant to deposit with the District Commission the amount received, if any, pursuant to the order dated 14.07.2025.

*Having heard Mr. Verma, we do not find any reason to entertain prayer clause A and C. The application to that extent is rejected. So far as the prayer clause B is concerned, we find it necessary and expedient to direct that **till the final adjudication of the present petition, the amount which has been deposited before the District Commission***

shall be retained by it till the final disposal of this matter. The application stands disposed off accordingly.

We have also perused the directions contained in paragraphs 34 and 35 of the order dated 03.03.2025.

Let the matter come up on the date fixed on 13.10.2025.

8. All the matters were simultaneously heard on 13.10.2025 and orders were reserved. Mr. Shivankar Rao, learned counsel for Mr. Lalit Bindal, the contesting party also filed written submissions on behalf of the said respondent through Dy. No. 27294 dated 13.10.2025 along with the judgements relied on by him. The written submissions are extracted hereinunder:

**BEFORE THE HON'BLE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION, AT NEW DELHI**

NC/RP/ 295/ 2025

IN THE MATTER OF:

NARINDER VERMA W/O S K VERMAPETITIONER

VERSUS

YPS DEVELOPERS (P) LTD & ORS .. RESPONDENTS

**WRITTEN SUBMISSIONS ON BEHALF RESPONDENT NO. 4, MR. LALIT
BINDAL**

MOST RESPECTFULLY SHEWETH

1. These Written Submissions are being filed on behalf of Respondent No. 4, Mr. Lalit Bindal. Along with the present Revision Petition, 5 other connected Petitions and Appeals have also been preferred, being NC/ DN/32/2025, NC/SA/151/2025, NC/SA/154/2025, NC/ RP/357/2025 and Diary No. 1499/NCDRC/2025-RP. Since the issues raised and the reliefs sought in all the aforesaid Petitions and Appeals are identical, these Written Submissions may be treated as common to all.
2. The Petitioners/ Complainants seeks to assail the consolidated order dated 11.12.2024 ('**Impugned Order**') passed by the Ld. State Consumer Disputes Redressal Commission, U.T. Chandigarh ('**State Commission**') in Appeal No. 51/2022, Appeal No. 52/2022,

Appeal No. 231/2024, Appeal No. 232/2024, Revision Petition No. 44/ 2024, Revision No. 45/2024.

3. By the Impugned Order, the State Commission was pleased to held as follows:

- a. Respondent No. 4, Mr. Lalit Bindal, was not liable towards the Complainants/ Petitioners in any manner. Consequently, the amount deposited by Mr. Lalit Bindal be refunded by the Complainants/ Petitioners.
- b. Appeals filed Respondent No. 1-3 (YPS Developers) were devoid of merits. Consequently, YPS Developers was held liable towards the Complainants/Petitioners.
- c. The Complainants/ Petitioners are entitled to enhanced compensation and interest.

4. The challenge to the Impugned Order passed by the State Commission is primarily based on the following grounds: (1) State Commission could not have absolved Mr. Lalit Bindal from his liability in view of the alleged guarantee given by Mr. Lalit Bindal (2) The State Commission had no power to absolve Mr. Lalit Bindal from his liability as the issue of liability of Mr. Lalit Bindal had attained finality and therefore the issue could not be reopened by the State Commission by its Impugned Order. (3) The interest and compensation awarded by the State Commission are inadequate and ought to have awarded the alleged contractual rate of interest i.e. 25% p.a.

5. The contentions raised are misconceived and devoid of merit, therefore deserve to be dismissed for the following reasons: (1) The Petitioners/Complainants have failed to establish any contractual relation with Mr. Lalit Bindal (2) The issue of Mr. Lalit Bindal's liability was never adjudicated on merits by the State Commission in any of the proceedings, thus never attained finality. (3) Without prejudice to

the contentions raised by Mr. Lalit Bindal, the Complainant/ Petitioner are not entitled to any interest or compensation.

A. The Petitioners/Complainants have failed to establish any contractual relation with Mr. Lalit Bindal

6. The Petitioners/ Complainants have sought to fasten liability upon Respondent No. 4, Mr. Lalit Bindal, despite the absence of any contractual nexus or privity between Mr. Lalit Bindal and the Complainants/ Petitioners.
7. Mr. Lalit Bindal is neither a director nor a shareholder of the developer company (YPS Developers Ltd.) and had no role in the construction, marketing, or contractual dealings with the Complainants.
8. The only allegation is that the Lalit Bindal intervened in returning certain cheques issued by the builder and “promised” either payment or land. This cannot in law constitute a binding contract of guarantee or otherwise impose liability.
9. Notably, a valid guarantee requires:
 - o (i) a tripartite agreement between the creditor, principal debtor, and surety;
 - o (ii) clear and conscious undertaking by the surety;
 - o (iii) consideration flowing to the principal debtor (Sections 126–127, Contract Act).
5. The Respondent No.4, Mr. Lalit Bindal never executed any guarantee agreement in favour of the Complainants. Even if the allegations of the Complainants/ Petitioners are to be considered true, mere moral assurances cannot constitute contractual liability.
6. Section 127 of the Contract Act requires consideration for guarantee. The Respondent No. 4, Mr. Lalit Bindal did not receive any benefit or consideration. Without consideration, no valid guarantee arises. In fact, the evidence filed by the Complainants in support of their case itself

contradicts the case set up by the Complainants/ Petitioners. Therefore, the State Commission has rightly held that Mr. Lalit Bindal was in no way liable to the Complainants/ Petitioners.

B. The issue of Mr. Lalit Bindal's liability was never adjudicated on merits by the State Commission in any of the proceedings, thus never attained finality.

7. The contention raised by the Petitioners/Complainants that the liability of Mr. Lalit Bindal stood finalized is entirely baseless and contrary to the facts and law.

8. Pertinently, a perusal of the records of the case would reveal that the State Commission had never adjudicated the merits of the case set up against Mr. Lalit Bindal. It is well settled that where the higher forum dismisses the appeal or revision not on the merits but on the ground of limitation, the said order rejecting the same on the ground of delay cannot be said to be the order of affirmance. Reliance is placed on the following judgments:

a. State of Kerala & ANR. Vs. Kondottyparambanmoosa
(2008) 8 SCC 65

b. Chandi Prasad & Ors vs. Jagdish Prasad & Ors (2004) 8 SCC 724

c. S. Kalawati Vs. Durga Prasad and Ors (1976)1 SCC 696.

9. The record of the proceedings before the State Commission initiated by Mr. Lalit Bindal challenging the order dated 23.02.2022 passed by the District Commission is set out below:

S. No	Proceedings initiated by Mr. Lalit Bindal	Forum	Outcome
1.	Appeal No. 56-57/2023	State Commission	Dismissed vide Order dated 25.05.2023 for

			failure to furnish the 50% pre-deposit.
2.	Revision Petition No. 1556-1557/2023	National Commission	Dismissed vide order dated 26.06.2023, upholding the order dated 25.05.2023 passed by the State Commission
3.	Appeal No. 56-57/2023	State Commission	Vide order dated 21.07.2023, liberty granted to Mr. Lalit Bindal to deposit remaining 50% of the pre-deposit by filing fresh by law.
4.	Revision Petition No.39-40/2023	State Commission	Dismissed vide order dated 11.03.2024 being barred by limitation.

10. Further, as reflected in the above table, the order dated 21.07.2023 passed by the State Commission granted liberty to Mr. Lalit Bindal to deposit the remaining amount of the pre-deposit for filing fresh by law. It is significant to mention that the District Commission had held all the Opposite Parties jointly and severally liable to pay the decretal amount to the Complainant/ Petitioners. Therefore, once the condition of pre-deposit was satisfied by the Respondents, the condition stipulated in the order dated 21.07.2023 was duly satisfied. It was on this basis that the Respondent No. 4, Mr. Lalit Bindal filed applications bearing No.

MA/726/2024 in A/56/2023, MA/727/2024 in A/57/2023, MA/728/2024 in A/231/2024 and MA/729/2024 in A/232/2024.

11. It is submitted that the filing of the above miscellaneous application by Mr. Lalit Bindal was a bona fide step to regularise a procedural defect and to enable adjudication on merits. The State Commission, having regained jurisdiction after the remand of connected matters, rightly entertained the said application in furtherance of its duty to prevent a miscarriage of justice. The order, therefore, embodies the very principle that substantive justice must prevail over procedural rigidity. Reliance is placed on the judgement passed by this Hon'ble Commission in the case of *Laxman A. Tekwani v. Ganesh And Another RP No. 2951/2017*.
12. In addition to this, Mr. Lalit Bindal had *inter-alia* assailed the order dated 23.02.2022 passed by the District Commission before the Hon'ble High Court of Punjab and Haryana.
13. It would be significant to note that by the order dated 28.08.2024 passed by the State Commission, the miscellaneous application bearing number MA/726/2024 filed by Mr. Lalit Bindal were tagged along with the Appeal No. 51/2022, Appeal No. 52/2022, Appeal No. 231/2024, Appeal No. 232/2024, Revision Petition No. 44/ 2024, Revision No. 45/2024 with the consent of all the parties, including the Complainant/Petitioners. This order was never challenged by the Complainant/ Petitioners. A copy of the order dated 28.08.2024 passed by the State Commission in MA/726/2024 is annexed herewith and marked as **ANNEXURE A**.
14. Therefore, clearly at no point the liability of Mr. Lalit Bindal stood finalized. This is further reinforced from the fact that the Complainants/Petitioners had also preferred an appeal bearing Appeal No. 51/2022 and Appeal No. 52/2022 before the State Commission against the order dated 23.02.2022 passed by the District Commission challenging its findings. The relevant excerpt of the Appeal No. 51/2022 is reproduced below:

8. That, the Ld. Commission below has not given its finding on the allegation of unfair trade practice. As this is prime factor to decide

the quantum of compensation, this Hon'ble Commission is requested to decide this issue in favour of the appellant.

15. Notably, in the Complaint filed by the Complainants/ Petitioners there were no allegations in respect of unfair trade practice and consequently the District Commission gave no findings in respect of the same. However, in appeal, the Complainants/ Petitioners for the first time brought the allegation of unfair trade practice against all the OPs, including Mr. Lalit Bindal. The introduction of a new and distinct ground at the appellate stage, which was neither pleaded nor adjudicated earlier, necessarily kept open the question of Mr. Lalit Bindal's liability. Therefore, even before the State Commission, the issue of his liability had not attained finality and remained subject to adjudication in the proceedings.
16. Pertinently, in the initial round, the State Commission by its order dated - 30.09.2022 had dismissed the aforesaid appeals filed by Complainants/ Petitioners. Subsequently, the Complainant/Petitioners preferred a Revision Petition bearing RP/1616/2022 and RP/1617/2022 before this Hon'ble Commission assailing the order dated 30.09.2022 passed by the State Commission.
17. Noteworthy, the Hon'ble Commission on the consent given by the counsel for Mr. Lalit Bindal, remanded back the matter to the State Commission and accordingly restored the aforesaid Appeals filed by the Complainants/Petitioners for fresh adjudication in accordance with law on merits. It is trite law that the First Appeal being a continuation of the Original Proceedings, the whole case is therein open before the First Appellate Court for rehearing both on questions of fact and law. The Impugned Order passed by the State Commission came to be passed while the State Commission was adjudicating connected appeals, along with the appeals filed by the Complainants/Petitioners.
18. Therefore, the contention of the Complainants/ Petitioners that the liability of Mr. Lalit Bindal stood finalized is fallacious and contrary to law. A catena of judgments have recognized the power of the first appellate

court to modify or vary the decree passed in original proceedings and pass any decree and make any order which ought to have been passed in order to do complete justice. Reliance is place on the following judgments in support of this contention:

- a. Santosh Hazari Vs. Purushottam Tiwai (Dead) by L.Rs. (2001) 3 SCC 179
- b. C. Venkata Swamy Vs. H.N. Shivanna (D) by L.R. and Ors. (2018)1 SCC 604
- c. K. Muthuswami Gounder Vs. N. Palaniappa Gounder (1998) 7 SCC 327
- d. Koksingh Vs. Deokabai (1976)1 SCC 383
- e. Delhi Electric Supply Undertaking Vs. Basanti Devi and Ors. (1999)8 SCC 229
- f. Bihar Supply Syndicate and Ors. Vs. Asiatic Navigation and Ors. (1999) 8 SCC 229
- g. Giasi Ram and Ors. Vs. Ramjilal and Ors. (1969) 1 SCC 813
- h. Deodhari Singh vs Mulchand Hazam & Ors 2006 (3) BLJ 690

19. Therefore, in view of peculiar facts and circumstances of the present case, the State Commission, in order to do complete justice, was well within its jurisdiction to interfere with the order of the District Commission so far as the liability of Mr. Lalit Bindal was concerned.

20. The Complainant/Petitioner have also contended that the RP No. 44/2024 and RP No.45/2024 filed by Mr. Lalit Bindal could not have been entertained as they were rendered infructuous on account of transfer of the amount to the Complainant/ Petitioners. The Complainants/ Petitioner erroneously rely on para 11 of the Impugned Order to substantiate their contention. This is not only contrary to the records but reeks of malafide on part of the Complainants/ Petitioners to mislead this Hon'ble Commission.

21. Notably, a perusal of the records indicates that the RP 44/2024 and RP No.45/2024 were never disposed of by the State Commission by its order dated 31.05.2024 and what in fact the State Commission records in para 11 of the Impugned Order is the factum of the MA bearing no 510/2024 and 511/2024 being disposed of as infructuous on account of the transfer of money to the Complainants/Petitioner on 20.05.2025 i.e. prior to the filing of the RP 44/2024 and RP No.45/2024
22. This fact was well within the knowledge of the Complainants/ Petitioners, as is evident from the order sheets of RP 44/2024 and RP No.45/2024-. Despite this, the Complainants/ Petitioners chose to contend that the RP 44/2024 and RP No.45/2024-were allowed by the State Commission by its Impugned Order despite having been rendered infructuous. A copy of the various order passed by the State Commission in RP 44/2024 and RP No.45/2024 are annexed herewith and marked as **ANNEXURE B**.
23. In view of the above submissions, the Appeals and Revision Petitions assailing the Impugned Order passed by the State Commission deserves to be dismissed.

C. Without prejudice to the contentions raised by Mr. Lalit Bindal, the Complainant/ Petitioner are not entitled to any interest or compensation

24. Without prejudice to the rights and contentions raised on behalf of Mr. Lalit Bindal in these Written Submission in respect of the absence of his liability towards the Complainants/ Petitioners, it is respectfully submitted that the Complainant/ Petitioners are not entitled to further enhancement of compensation and interest.
25. Pertinently, the District Commission by its order dated 23.02.2022 has already awarded interest on interest in favour of the Complainants/Petitioners. Notably, the principal amount paid by the Complainant/Petitioners in lieu of the flat was Rs 12,80,000/- and Rs. 13,41,984/- whereas an amount of Rs. 7,22,788/- and Rs 7,59,394/- was

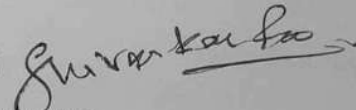
paid as interest respectively by YPS Developers vide cheques dated 18.08.2016. However, the District Commission in its order dated 23.02.2022 awarded interest on the cumulative amount of (Rs 12,80,000/- + Rs. 7,22,788/-) and (Rs. 13,41,984/- + Rs 7,59,394/-).

26. This amount has further been enhanced by the State Commission in its Impugned Order by awarding an interest of 9% p.a. instead of 6%. p.a awarded by the District Commission.
27. Therefore, any further enhancement would result in unjust enrichment of the Complainants/ Petitioners. Hence, even on this count, no interference is called for in the Impugned Order passed by the State Commission and accordingly, the Appeals and Revision Petitions deserves to be dismissed.

PLACE: NEW DELHI

DATE: 13.10.2025

THROUGH



SHIVANKAR RAO

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9. The judgements relied on by the learned counsel are as follow:

- i. *State of Kerala & Anr. vs. Kondottyparambanmoosa*, (2008) 8 SCC 65
- ii. *Chandi Prasad & Ors. vs. Jagdish Prasad & Ors.*, (2004) 8 SCC 724
- iii. *S. Kalawati vs. Durga Prasad & Ors.*, (1976) 1 SCC 696
- iv. *Santosh Hazari vs. Purushottam Tiwai (Dead) by LRs*, (2001) 3 SCC 179
- v. *C. Venkata Swamy vs. H.N. Shivanna (D) by LR & Ors.*, (2018) 1 SCC 604
- vi. *K. Muthuswami Gounder vs. N. Palaniappa Gounder*, (1998) 7 SCC 327

- vii. *Koksingh vs. Deokabai*, (1976) 1 SCC 383
- viii. *Delhi Electric Supply Undertaking vs. Basanti Devi & Ors.*, (1999) 8 SCC 229
- ix. *Bihar Supply Syndicate & Ors. vs. Asiatic Navigation & Ors.*, (1999) 8 SCC 229
- x. *Giasi Ram & Ors. vs. Ramjilal & Ors.*, (1969) 1 SCC 813
- xi. *Deodhari Singh vs. Mulchand Hazam & Ors.*, 2006 (3) BLJ 690
- xii. *Laxman A. Tekwani vs. Ganesh & Anr.*, R.P. No. 2951/2017

10. We have considered the submissions raised and the chequered history of the case has already been to a great extent narrated in the orders quoted hereinabove, particularly the order dated 03.03.2025 that runs into several pages.

11. The challenge to the same impugned order dated 11.12.2024 has been raised by Mr. S. K. Verma as noted therein in the second set of appeals as recorded in paragraph 5 above. We may point out, in order to bring about clarity, that the order dated 03.03.2025 extracted above narrates the facts and the orders passed arising out of CC No. 112 of 2021 filed by Mrs. Narinder Verma. The order dated 03.03.2025 does not narrate similar facts and the litigation in respect of CC No. 113 of 2021 filed by Mr. S. K. Verma and the proceedings arising therefrom. It may be mentioned that both these sets of proceedings gave rise to similar challenges raised by the Developer M/s. YPS Developers Pvt. Ltd. & Anr. as also by Mr. Lalit Bindal and similar orders were passed in these two sets of proceedings arising out of the order of the District Commission dated 23.02.2022. To complete the narrative in the case of CC No. 113 of 2021, Mr. S. K. Verma whose complaint had also been allowed on 23.02.2022, was in respect of another unit of flat no. A1606 in the 16th floor of

the same project developed by M/s. YPS Developers known as Dwarika situate in Madhuban, Bapu Dham. Mr. S. K. Verma had paid a sum of Rs. 13,41,984/- through cheques. He was also issued refund cheques of the said amount along with an amount of Rs. 7,59,394/- as interest that were also taken back in the same fashion by Mr. Lalit Bindal as in the case of Mrs. Narinder Verma with a promise to pay the amount or alternatively to provide a piece of land as the high rise project was not to proceed any further. A similar treatment was given to Mr. S. K. Verma as well and neither the land was received by him nor the money, as a result whereof he had also served a legal notice and filed Complaint no. 113 of 2021 that has been allowed on 23.02.2022 for refund of Rs. 13,41,984/- and Rs. 7,59,394/- together with interest till its actual realisation from the date of its issuance i.e. 18.08.2016 onwards.

12. Thus, it is in relation to these two complaints one filed by the Narinder Verma CC No. 112/2021 and the other CC No. 113/2021 that the builder M/s. YPS Developers filed two appeals, F.A. No. 231 of 2024 arising out of CC No. 113 of 2021 against Mr. S. K. Verma and F.A. No. 232 of 2024 arising out of CC No. 112 of 2021 against Mrs. Narinder Verma.

13. Mr. Lalit Bindal filed two separate F.A. No. 56 of 2023 and 57 of 2023 assailing the same order dated 23.02.2022 in both the complaints, without making any statutory pre-deposit with a substantial delay. Mr. Bindal moved applications for deposit of certain amounts calculating it at 1/4th the decretal amount and for exemption of the balance that were also rejected being M.A.

No. 304 and 305 on 25.05.2023. Against these orders, Mr. Bindal filed R.P. No. 1556/2023 and 1557/2023 before this Commission that was also dismissed on 26.06.2023.

14. The complainants had filed two First Appeals before the State Commission for enhancement of their amounts being F.A. No. 51/2022 and 52/2022. These appeals were dismissed by the State Commission on 30.09.2022. The complainants filed R.P. No. 1616/2022 and 1617/2022 before this Commission that was allowed on 07.08.2024 remanding the matter back and directing the State Commission to hear F.A. No. 51/2022 and 52/2022 once again which, it may be repeated and pointed out was only in respect of the enhancement of the amount at the instance of the complainant. Thus this remand was confined only in respect of the grievance of the complainants regarding enhancement and it is to that extent that the issue was reopened setting aside the appellate order dated 30.09.2022.

15. We may point out that this proceeding for enhancement and the order passed by this Commission on 07.08.2024 did not grant liberty to or open any issue with regard to the merits of the order of the State Commission dated 23.02.2022 in so far as it related to the liabilities against Mr. Lalit Bindal. As pointed out above, the appeals filed by Mr. Lalit Bindal had already been dismissed as they were delayed and even otherwise were incompetent for non-deposit of the statutory pre-deposit of 50%. Mr. Bindal had also failed before this Commission when his Revision Petitions were dismissed on 26.06.2023 and as noted in the order dated 03.03.2025, Mr. Bindal had also

filed Writ Petitions before the High Court which were withdrawn and one of the Writ Petitions was later on dismissed for want of prosecution.

16. In these circumstances, the order of the District Commission dated 23.02.2022 became final against Mr. Lalit Bindal and the decree thereof could not be modified or upturned in any manner whatsoever.

17. In this background, Mr. Lalit Bindal had no defence left to wriggle out of the decree and therefore M.A. No. 726/2024 and 727/2024 filed by him were neither maintainable nor entertainable. The said applications seem to have been entertained on the pretext as if the whole issue had been re-opened by the order of this Commission dated 07.08.2024. This was a total misconception and in our considered opinion, the order of remand dated 07.08.2024 was limited to the issue of enhancement claimed by the complainants. The same could not have been utilised as a platform or a spring board for entertaining M.A. No. 726 and 727 of 2024 filed by Mr. Bindal.

18. As a sequel to this and in the background that Mr. Lalit Bindal had lost all the legal battles, Revision Petition No. 44/2024 and Revision Petition No. 45/2024 that had been filed by him arising out of the proceedings of release of the amount deposited by him was also neither entertainable nor the same could have been allowed by the impugned order, in as much as, the said amounts had already been directed to be remitted to the District Commission for being dealt with in accordance with law. However, we had, during the interregnum period in these proceedings, restrained the District Commission from releasing the said amount as the present matters were pending before

us. We have already quoted the order dated 13.08.2025 above, which was subject to any final orders being passed in the present proceedings. Nonetheless, those Revision Petitions being R.P. No. 44/2024 and R.P. No. 45/2024 read with M.A. No. 726/2024 and 727/2024 could not have been allowed as it clearly amounts to modifying the final decree dated 23.02.2022 that had attained finality and merged with the dismissal of the appeals filed against the said order as already recorded hereinabove.

19. The question therefore now is as to what extent the present Revision Petitions filed by Mrs. Narinder Verma and the Second Appeals filed by Mr. S. K. Verma would be entertainable and maintainable.

20. The impugned order is a composite order. Appeals Nos. 51/2022 and 52/2022 filed by the complainants for enhancement that had been reopened on remand have also been dismissed under the impugned order. Both the complainants have come up questioning the whole judgement, and therefore, since the proceedings arise out of the complaints filed under the Consumer Protection Act, 2019, an Appeal under Section 51(2) would be maintainable as against the orders passed in Appeals Nos. 51/2022 and 52/2022.

21. The second part of order is allowing of Miscellaneous Applications Nos. 726/2024 and 727/2024 filed by Mr. Lalit Bindal purportedly in his Appeals Nos. F.A. No. 56/2023 and 57/2023 that stood dismissed. These were Miscellaneous Applications but seem to have been moved under the garb of the remand order dated 07.08.2024, whereby F.A. No. 51/2022 and 52/2022 had been restored even though they were only concerned with the

enhancement claim of the complainants. These applications were therefore moved in his Appeals and in our considered opinion, the orders passed in these two applications, which were Miscellaneous Applications, would be revisable and would be entertainable along with the Second Appeals filed by the complainant Mr. S. K. Verma.

22. So far as the orders passed in R.P. Nos. 44/2024 and 45/2024 are concerned, they were an offshoot of the said proceedings making a request for not releasing the amount to the complainants. The said exercise was an infructuous exercise and in our considered opinion, the entire process adopted by Mr. Lalit Bindal was a clear abuse of the process of the Court. We are unable to comprehend the manner in which the State Commission absolved Mr. Lalit Bindal of his liability under the decree dated 23.02.2022 confirmed in appeal by adopting a totally circumvented method which gives rise to a substantial question as to **“whether the State Commission was justified in reopening the issue of liability of Mr. Lalit Bindal under the umbrella of the remand order dated 07.08.2024 passed by this Commission restoring Appeal No. F.A. Nos. 51/2022 and 52/2022?”** Our answer to this question is very categorical that the State Commission has not only erred in procedure, but also in exercise of jurisdiction that was patently lacking and such an exercise could not have been undertaken under the garb of the orders passed for reconsideration of the claim of enhancement of the complainants. Consequently, an Appeal under Section 51(2) read with the revisional

provisions is clearly maintainable before us in view of the complex nature of the order passed in the peculiar background and the facts of the present case.

23. The second substantial question that arises is **“whether the State Commission could have proceeded to undo the binding impact of the final decree dated 23.02.2022 in view of the provisions of Section 68 of the Consumer Protection Act, 2019?”** Our answer directly is that once the decree dated 23.02.2022 had become final in the circumstances of the present case as discussed and detailed hereinabove, the State Commission committed a manifest error of law which gives rise to this substantial question and which is answered by holding that the State Commission acted with illegality in undoing a final decree, thereby violating Section 68 of the Consumer Protection Act, 2019. The arguments raised on behalf of Mr. Lalit Bindal and as extracted hereinabove in the written submissions are accordingly rejected. The contention raised by Mr. Rao on behalf of Mr. Bindal regarding the liability of Mr. Bindal could not have been gone into by the State Commission under the impugned order. Once the decree dated 23.02.2022 had been confirmed and had attained finality, and even under the impugned order the order dated 23.02.2022 has been confirmed by dismissing the appeals filed by the Developers. Consequently, the arguments regarding the liability of Mr. Bindal are neither entertainable nor could have been gone into by the State Commission. We may also point out that none has appeared on behalf of the Developers to contest these matters.

24. We therefore hold the Appeals and the Revision Petitions to be maintainable. We also find that the findings recorded by the State Commission in paragraph 16 of the impugned order absolving Mr. Lalit Bindal of the liability of the final decree dated 23.02.2022 is illegal and contrary to settled principles of law.

25. Accordingly, we further find that the direction given in paragraph 23 by the State Commission in favour of Mr. Lalit Bindal and the direction for refund by the complainants deserve to be set aside and are accordingly set aside.

26. However, on the facts of the present case what we find is that the Appeals filed by the Developer being F.A. No. 231/2024 and 232/2024 have also been dismissed confirming the order of the District Commission dated 23.02.2022. The Appeals filed by the complainants before the State Commission have been disposed of by modifying the rate of interest of 6% to 9% and also by increasing the quantum of costs and compensation. We therefore see no reason for granting any relief for further enhancement to the complainants, in as much as, the impugned order suitably enhances the rate of interest to 9% from 6%. We confirm the same and we see no reason to award any further interest. The litigation expenses and compensation for mental agony has also been appropriately enhanced by the State Commission which does not require any further enhancement. On facts therefore and the findings recorded by the State Commission as well as by the District Commission, we do not find any substantial question of law so as to entertain the Appeals of Mrs. Narinder Verma and Mr. S. K. Verma in so far as it relate

to enhancements. We therefore reject the grievance raised by the complainants in so far as it relates to enhancement.

27. The directions for refund of the amount deposited by Mr. Lalit Bindal has been set aside by us, but at the same time, we find that the amount to be refunded would be subject to adjustments and re-calculation as directed by the State Commission and this exercise will have to be undertaken in Execution Applications No. 56/2023 and 57/2023 before the District Commission. As noted above, we had passed orders on 13.08.2025 and had called upon the District Commission to retain the amount till final disposal of these matters. Accordingly, the said amounts shall be adjusted and be disbursed after orders are passed in Execution Applications Nos. 56/2023 and 57/2023 while disposing of the matter in accordance with the decree of the District Commission dated 23.02.2022 as modified by the State Commission under the impugned order dated 11.12.2024.

28. The Appeals and the Revision Petitions are disposed of accordingly.

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(A.P. SAHI, J.)
PRESIDENT

.....
(BHARATKUMAR PANDYA)
MEMBER

Pramod / Court-1 / CAV