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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 636/2022 & CM APPL. 29884/2022, CM APPL.
29885/2022

FIROZ AHMAD Petitioner
Through: Mr. Madhurendra Kumar, Adv.
with petitioner in person

versus

STATE CONSUMER DISPUTES REDRESSAL
COMMISSION, DELHI AND ORS Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

% **13.07.2022**

1. This petition under Article 227 of the Constitution of India seeks a direction to the learned State Consumer Disputes Redressal Commission ("the learned SCDRC") to decide FA 546/2019 expeditiously preferably on day-to-day basis and adjudicate the appeal on merits.

2. The prayer clause in this petition reads thus:

"It is, therefore, most respectfully prayed that this Hon'ble High Court may be pleased to:-

(a) direct the Respondent No. 1 to expeditiously decide the appeal of the Petitioner being Appeal No.546 of 2019 titled Firoz Ahmad Vs Paramount Villas Pvt. Ltd.,

preferably within one month from the date of order/direction issued by this Hon'ble High Court;

(b) direct the Respondent No. 2 to expeditiously decide the Execution Application of the Petitioner being Execution Application No.44 of 2016 titled Firoz Ahmad Vs Paramount Villas Pvt. Ltd., preferably within one month from the date of adjudication of the Appeal No. 546 of 2019 by the Respondent No.1;

(c) direct all the Respondents to complete the process of execution of the order dated 28.09.2015 in First Appeal No. 960 of 2014 passed by the Respondent No.1 without any interference or modification in the same by the Respondents No.1, 2 and 3, by strictly directing the respondent no. 3 to expeditiously comply with the said order dated 28.09.2015 in a fixed time;

(d) direct the Respondents No.1 and 2 to judiciously and expeditiously exercise their powers for execution of the settlement agreement dated 23.07.2015 between the Petitioner and the Respondent No.3;

(e) allow the present petition in favour of the petitioner and against the Respondents No.1, 2 and 3;

(f) pass any other order/orders or directions, as this Learned Court may deem fit and proper in the facts and circumstances of the case.”

3. It is not possible for this Court, exercising jurisdiction under Article 227 of the Constitution of India, to monitor the progress of cases before the fora below. Supervisory jurisdiction under Article 227 of the Constitution of India can be exercised only in cases where the forum, subject to the superintending jurisdiction of this Court, acts in a manner which calls for supervisory correction.

4. The mere fact that the petitioner's appeal may be pending

before the learned SCDRC since 2019 cannot be a ground for this Court to direct the learned SCDRC to decide the appeal within one month. This Court is unaware of the number of matters pending before the learned SCDRC or the work constraint under which it is operating.

5. As such, this petition is disposed of merely with the direction to the learned SCDRC to decide FA 546/2019, preferred by the petitioner before it, as expeditiously as possible.

6. Needless to say, this order is not to be treated as a direction to the learned SCDRC to prioritize the petitioner's appeal over other matters which may be more urgent than that of the petitioner. The learned SCDRC would take a call on the urgency of the petitioner's matter keeping in view the number of matters pending before it and other matters which may be of a greater vintage or more urgent.

7. Keeping all these considerations in mind, the learned SCDRC is requested to decide the petitioner's appeal as expeditiously as possible as already directed hereinabove.

8. This petition is disposed of with the aforesaid direction. Miscellaneous applications are also disposed of.

C. HARI SHANKAR, J.

JULY 13, 2022

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