

(i) Consumer Protection Act, 2019 — Section 72 — Execution proceedings — Bailable warrants — When not warranted — Order complied with before execution application — Judgment debtor appearing through counsel.

District Commission passed order dated 12.04.2023 directing judgment debtors to pay Rs.40,000/- — Decreetal amount paid vide Demand Draft dated 13.09.2023 before institution of execution application — Execution application filed under Section 72 — Notice issued for 17.11.2023 — Judgment debtors appeared through counsel on 17.11.2023 and matter adjourned to 30.01.2024 — District Commission issued bailable warrants dated 30.01.2024 for Rs.50,000/- each for 12.04.2024 — **HELD:** When order dated 12.04.2023 already stands complied with before institution of execution application and judgment debtors put in appearance through counsel, issuance of bailable warrants unwarranted, excessive and without any legal basis — Order issuing bailable warrants set aside. [Paras 6, 7, 9]

(ii) Consumer Protection Act, 2019 — Section 72 — Execution proceedings — Delay in compliance — When does not attract Section 72 — Absence of deliberate or wilful act — No shortfall in payment.

Judgment debtors complied with order only on 22.11.2023 after delay of 146 days from order dated 12.04.2023 — Decreetal amount of Rs.40,000/- handed over through Demand Draft dated 13.09.2023 — **HELD:** Mere delay in complying with order, unless there is deliberate or wilful act on part of judgment debtors, would not attract provisions of Section 72 of Consumer Protection Act, 2019, especially when there is no shortfall in payment of awarded amount — In present case order already stands complied with before institution of execution application — No case for issuance of bailable warrants. [Para 6]

(iii) Consumer Protection Act, 2019 — Section 72 — Execution proceedings — Notice of showing cause — When coercive process not required — Judgment debtor appearing through counsel.

Notice issued to judgment debtors for 17.11.2023 for compliance of order — Judgment debtors entered appearance through Counsel , Advocate on 17.11.2023 — Matter adjourned to 30.01.2024 for compliance — **HELD:** Notice of showing cause to be issued by District Commission and once judgment debtors put in appearance whether in person or through counsel, coercive process need not be issued — When purpose of issuing show cause achieved by presence of judgment debtors through counsel, issuance of further process by issuing warrant of arrest to secure presence rendered unnecessary — In present case, when firstly, order dated 12.04.2023 passed by District Commission already stands complied with before institution of execution application and secondly, when pursuant to notice once judgment debtors put in appearance through Sh. Kartik, Advocate, impugned order issuing bailable warrants for 12.04.2024 unwarranted. [Para 9]

(iv) Consumer Protection Act, 2019 — Section 72 — Bailable warrants — Principles governing issuance — Last resort — Only when judgment debtor not cooperating or avoiding appearance.

HELD: Bailable warrants to be issued as last resort and only in case where it is found that judgment debtors are not cooperating at all and that they are avoiding appearance before executing court deliberately and/or they are not represented at all either through their authorized representative or through their counsel — Warrants to be issued in extremely rare cases and not in normal manner — District Commission acted in exercise of its jurisdiction illegally and with material irregularity in issuing bailable warrants when judgment debtors appeared through counsel and order already complied with. [Para 6]

(2026-1) PLR 1009 (State Commission UT Chandigarh)

STATE CONSUMER DISPUTES REDRESSAL COMMISSION, U.T. CHANDIGARH

[ADDITIONAL BENCH]

Present: Ms. Padma Pandey, Presiding Member and Mr. Preetinder Singh, Member.

ICICI BANK LIMITED - Petitioner(s)/Judgment Debtor(s)

Versus

P.R. SINGHANIA & ORS. - Respondent(s)/Decree Holder(s)

Revision Petition No. RP/35/2024.

For Petitioners: Sh. Sandeep Suri, Advocate, along with Sh. Kartik Parmod Goyal, Advocate

For Respondents: Sh. P.R. Singhania, Advocate for himself and on behalf of other Respondents

Padma Pandey, Presiding Member - (15.07.2024) -

Result: Revision Petition allowed. Order dated 30.01.2024 of District Consumer Disputes Redressal Commission-II, Chandigarh set aside insofar it relates to issuance of bailable warrants. Execution application still pending for decision on merit. Parties directed to appear on 01.08.2024.

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