

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

FIRST APPEAL NO. 13 OF 2015

(Against the Order dated 21/10/2014 in Complaint No. 99/2014 of the State Commission
Chandigarh)

1. SHALIMAR ESTATES (PVT.) LTD. & ANR.
CORPORATE OFFICE, SCO NO. 110-111, SECTOR-8,
CHANDIGARH, PRESENTLY AT THE SHALIMAR
MALL, SECTOR-5,
PANCHKULA
HARYANA

2. MANAGING DIRECTOR, SHALIMAR ESTATES
PVT LTD.,
CORPORATE OFFICE, SCO NO. 110-111, SECTOR-8,
CHANDIGARH

.....Appellant(s)

Versus

1. GEETANJALI & ANR.
W/O. SH. MANOJ MODI, R/O. H NO. 6/22, ADARSH
COLONY, RAJPUR TOWN,
DISTRICT-PATIALA
PUNJAB

2. ARCHANA D/O. SH. KISHAN CHAND CHHABRA,
R/O. H NO. 6/22, ADARSH COLONY, RAJPURA
TOWN,
DISTRICT-PATIALA,
PUNJAB

.....Respondent(s)

BEFORE:

**HON'BLE MR. DR. B.C. GUPTA, PRESIDING MEMBER
HON'BLE MR. DR. S.M. KANTIKAR, MEMBER**

For the Appellant :

For the Respondent :

Dated : 02 Aug 2017

ORDER

PRESENT AT THE TIME OF ARGUMENTS ON 01.08.2017

Mr. Vikramjeet B., Sr. Advocate with
Mr. Vikas Malik, Advocate
For the Appellants : Mr. Vaibhav Chadha, Advocate
Mr. Vineet Aggarwal, AR

Mr. Amit Sharma, Advocate
For the Respondents : Ms. Shivani Sharma, Advocate
Ms. Kshama Sharma, Advocate
Mr. Yogesh Dass, Advocate

PRONOUNCED ON : 2ND AUGUST 2017

ORDER

PER DR. B.C. GUPTA, PRESIDING MEMBER

The first appeal bearing No. FA No. 13 of 2015, has been filed under section 19 read with section 21(a)(ii) of the Consumer Protection Act, 1986 against the impugned order dated 21.10.2014, passed by the UT Chandigarh State Consumer Disputes Redressal Commission (hereinafter referred to as 'the State Commission') in consumer complaint No. 99/2014, vide which, the opposite parties (OPs) / appellants were directed to refund the amount of 23,30,000/- deposited by the complainants with the appellants alongwith interest @ 15% p.a. from the respective date of deposit.

2. Appeal Execution bearing No. AE/70/2017 (previously listed as IA No. 11213/2017) has been filed challenging the order passed by the State Commission under section 27-A of the Act by which R.K. Aggarwal, Managing Director and Kamlesh Aggarwal, Director of the appellants were sentenced to undergo simple imprisonment for a period of three years and to pay a fine of 10,000/- for non-compliance of the order of the State Commission dated 21.10.2014.

3. During the pendency of FA No. 13/2015 before this Commission, the learned counsel for the appellant stated that they had already complied with the order passed by the State Commission. He also stated that they were in the process of challenging the order passed by the State Commission under section 27-A of the Act.

4. During arguments on 01.08.2017, the learned counsel for the appellant stated that they had made the payment in terms of order dated 21.10.14 of the State Commission to the complainants. He has drawn attention to another order dated 20.06.2017, passed by the State Commission, in which it has been recorded that the decree holder had accepted the amount in full and final settlement of the claim. The learned counsel for the appellant requested that their appeal under section 27-A of the Act should be allowed and their Managing Director and Director should be allowed to be released forthwith. He also stated that FA No. 13/2015 should be dismissed in view of these developments.

5. The learned counsel, who appeared for the respondents/complainants confirmed that they had received the necessary amount in full and final settlement of their claim as allowed by the State Commission. He further stated that the respondents/complainants had no objection if the Managing Director and Director of the appellants are released forthwith.

6. After examination of the material on record and giving due consideration to the arguments advanced before us, it becomes evident that the order dated 25.10.2014 has since been complied with by the appellants/OPs. R.K. Aggarwal, Managing Director and Kamlesh Aggarwal, Director of the appellant company were sentenced to undergo simple imprisonment for a period of three years and to pay a fine of 10,000/- for non-compliance of the order dated 21.10.2014 passed by the State Commission. Since the appellants have now complied with the orders, appeal execution, AE No. 70/2017 stands disposed of with the direction that R.K. Aggarwal, Managing Director and Kamlesh Aggarwal, Director of the appellant company shall be released forthwith. The order dated 25.01.2016 passed by the State Commission is modified to say that the sentence under the said order shall stand reduced from a period of three years to the period which they have undergone in prison till their release. This first appeal No. 13 of 2015 stands dismissed.

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DR. B.C. GUPTA
PRESIDING MEMBER

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DR. S.M. KANTIKAR
MEMBER