

**State Consumer Disputes Redressal Commission
U.T., Chandigarh.**

EA/18/2018

Madhavi Bhatia

Vs Emerging India Housing Corporation
(P) Ltd. & Anr.

BEFORE:

**JUSTICE JASBIR SINGH [RETD.], PRESIDENT
PADMA PANDEY, MEMBER
RAJESH K. ARYA, MEMBER**

PRESENT:

Sh. Anurag Bhatia, Advocate for the decree holder.
Sh. J. S. Rattu, Advocate for the judgment debtors.

Dated: 12/4/2019

ORDER

On 28.02.2019, following order was passed by this Commission:-

“Today, in Court, Counsel for the judgment debtors has handed over a demand draft bearing No.809713 dated 28.02.2019 in the sum of Rs.3,00,000/- to Sh.Anurag Bhatia, Advocate, Counsel for the decree holder. Photocopy of the aforesaid draft is retained on file.

On the last date of hearing i.e. 05.02.2019, following order was passed by this Commission :-

“At the time of arguments, Sh. Anurag Bhatia, Advocate for the decree holder alongwith Sh. Neeraj Chawla, Brother of the decree holder states that cheque for an amount of Rs.2 Lakhs, which was handed over by the judgment debtors to the decree holder on the last date of hearing had bounced. On getting intimation of the same, the judgment debtors paid to the decree holder an amount of Rs.2 Lakhs in cash. It is further stated that today in Court, the bounced cheque, in original, has been returned to Sh. J. S. Rattu, Advocate, Counsel for the judgment debtors.

As per report submitted by the police officials, as and when raids were conducted, the person concerned, namely, Sh. Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. was not found available at the given addresses.

Today in Court, Sh. Anurag Bhatia, Advocate, Counsel for the decree holder has placed on record photocopy of Driving Licence (authenticated by Sh. Anurag Bhatia, Advocate), showing that Sh. Gurpreet Singh Sidhu has given his address in the said Driving Licence as under:-

“#317, Sector-21A, Chandigarh – 160022”

Sh. J. S. Rattu, Advocate, Counsel for the judgment debtors has not offered anything for payment. Even on today, liability against the judgment debtors is around Rs.50 Lakhs. Poor consumer is suffering.

It is ordered that let non-bailable warrants of arrests be issued to secure the presence of Sh. Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. for 28.02.2019 and raids be conducted at the office of the judgment debtors situated at SCO No.46-47, Sector-9D, Chandigarh and also at House No.317, Sector – 21A, Chandigarh – 160022 and also at the site of the project, namely, “Emerging Heights-III” situated in Sector 115, Mohali, Punjab.

Repeated raids be also conducted by the police officials at all those places, where they may be satisfied that the aforesaid person may be hiding.

Adjourned to 28.02.2019.”

On the last date of hearing, non-bailable warrants to arrest Sh.Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. were issued.

As per report made by the police officials, as and when raids were conducted, Sh.Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. was not found present at the given addresses.

Today, in Court, Counsel for the decree holder under his signatures has placed on record list of properties owned by the judgment debtors, namely, M/s Emerging India Housing Corporation (P) Ltd. and its Managing Director Sh.Gurpreet Singh Sidhu. As per the said detail given, Sh.Gurpreet Singh Sidhu is the owner of House No.317, Sector 21-A, Chandigarh. A copy of the Registration Certificate of car bearing No.CH-01-BD-2130 registered in the name of M/s Emerging Valley P Ltd. has also been placed on record. It is stated that M/s Emerging Valley P Ltd. is the sister concern of M/s Emerging India Housing Corporation Limited and Sh.Gurpreet Singh Sidhu is also Managing Director of the said Company. The aforesaid documents are taken on record.

Office is directed to place the aforesaid documents at the end of the file and also prepare copies thereof and place the copies of the said documents in the connected cases, which are listed for today.

In this execution application, the judgment under execution was passed against the judgment debtors, namely, M/s Emerging India Housing Corporation (P) Ltd. and its Managing Director Sh.Gurpreet Singh Sidhu on 25.08.2017. Sh.J.S.Rattu, Advocate, Counsel for the judgment debtors has failed to show any stay granted qua the judgment, in question, by any higher Court.

Notice of this execution application was issued to the judgment debtor(s) on 23.01.2018. Show cause notice, in terms of Section 262 Cr.P.C. read with Chapter XX and Section 251 Cr.P.C. 1973 of this execution application was also issued to Sh.Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. to come and defend allegations leveled against him. He was also directed to come present in Court to state his defence and the matter was adjourned to 05.03.2018, on which date, none appeared. Notices were received back unserved with the remarks “unclaimed”. Fresh notice was issued to the Company and its Managing Director for 09.04.2018. Copy of the show cause notice was also sent through email ID, which was already supplied to this Commission by their Counsel in some other cases. On 09.04.2018, Sh.Harmandeep Singh, Public Relation Officer put in appearance on behalf of the judgment debtors i.e. the Company and its Managing Director Sh.Gurpreet Singh Sidhu. Despite issuance of show cause notice, Sh.Gurpreet Singh Sidhu failed to put in appearance. It was stated by Sh.Harmandeep Singh, Public Relation Officer that the appeal filed is pending for consideration before the Hon'ble National Consumer Disputes

Redressal Commission, New Delhi. However, no stay has been granted.

Taking note of attitude of the Company and its Managing Director in large number of cases in not putting in appearance, despite specific orders/directions were issued to secure the presence of Sh.Gurpreet Singh Sidhu throughailable warrants of arrests, the matter was adjourned to 15.05.2018. Sh.Harmandeep Singh, Public Relation Officer was also directed to file an affidavit showing the residential address of Sh.Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. Affidavit was filed on the date fixed and it was shown that Sh.Gurpreet Singh Sidhu is the permanent resident of Village Dhaban Kokarian, Tehsil and District Abohar, Punjab. Residential address at Chandigarh was not disclosed. No amount was offered for payment on 15.05.2018. Sh.Gurpreet Singh Sidhu failed to put in appearance and non-ailable warrants of arrest was issued to secure his presence and the matter was adjourned to 27.06.2018. Police officials failed to arrest him.

In Court on 27.06.2018, Sh.J.S.Rattu, Advocate, Counsel for the judgment debtors offered for payment an amount of Rs.3,40,000/- through demand draft, which was handed over to Sh.Mahesh Dheer, Advocate, Counsel for the decree holder. On the said date, taking note of the fact that the judgment debtors started making the payment, therefore, coercive process to secure the presence of Sh.Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. was stayed. The matter was adjourned to 09.07.2018, on which date, Sh.J.S.Rattu, Advocate, Counsel for the judgment debtors offered an amount of Rs.2,00,000/- for payment to the decree holder and promised that on the next date of hearing, another amount of Rs.4,00,000/- shall be paid to the decree holder and the matter was adjourned to 20.08.2018. On that date, Sh.J.S.Rattu, Advocate, Counsel for the judgment debtors handed over a demand draft in the sum of Rs.3,00,000/- to the Counsel for the decree holder and made a promise that on the next date of hearing, an amount of Rs.4,00,000/- shall be paid and the matter was adjourned to 17.09.2018. On that date, nothing was paid by the judgment debtors, however, a promise was made to pay an amount of Rs.5,00,000/- on the adjourned date i.e. 28.09.2018. Taking note of default committed, Sh.Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. was cautioned that in case, the amount is not so brought for payment, his presence will be secured through non-ailable warrants of arrest.

On 28.09.2018, a demand draft for an amount of Rs.2,00,000/- was brought for payment. Sh.J.S.Rattu, Advocate, Counsel for the judgment debtors made a promise to make the further payment on the adjourned date i.e. 08.10.2018, on which date, nothing was offered for payment. Accordingly, non-ailable warrants of arrest was issued to secure the presence of Sh.Gurpreet Singh Sidhu, Managing Director (judgment debtor No.2) for 20.11.2018. However, the police officials failed to arrest him. On the said date i.e. 20.11.2018, nothing was offered for payment by the judgment debtors. Again non-ailable warrants were issued to secure the presence of Sh.Gurpreet Singh Sidhu, Managing Director of the Company for 21.12.2018, on which date, a post-dated cheque for an amount of Rs.2,00,000/- was

handed over to the Counsel for the decree holder against receipt. However, noting that the judgment debtors deliberately delaying the process. Non-bailable warrants were again issued to secure the presence of Sh.Gurpreet Singh Sidhu, Managing Director for 05.02.2019. It is necessary to mention here that a cheque offered when presented, was dishonoured.

On 05.02.2019, cash amount of Rs.2,00,000/- was paid to discharge the liability qua the said cheque. The bounced cheque was returned to Sh.J.S.Rattu, Advocate, Counsel for the judgment debtors in Court. Police officials failed to arrest Sh.Gurpreet Singh Sidhu, Managing Director. Again non-bailable warrants were issued against him. On the said date i.e. 05.02.2019, Sh.Anurag Bhatia, Advocate, Counsel for the decree holder has placed on record photocopy of Driving Licence showing that Sh.Gurpreet Singh Sidhu is a resident of House No.317, Sector 21-A, Chandigarh. In view of above, non-bailable warrants was issued to arrest Sh.Gurpreet Singh Sidhu, Managing Director at the said address and also directions were issued to conduct raids at the office of the judgment debtors and also site of the project, namely, "Emerging Heights-III" situated in Sector 115, Mohali, Punjab. Police officials again have failed to arrest him.

Sh.Anurag Bhatia, Advocate, Counsel for the decree holder has placed on record the documents, as referred to above. It is shown that House No.317, Sector 21-A, Chandigarh is the ownership of Sh.Gurpreet Singh Sidhu. Through internet, he got the information that the appeal bearing No.2517 of 2017 filed by the judgment debtors Company against the order dated 25.08.2017 passed by this Commission, was dismissed by the Hon'ble National Consumer Disputes Redressal Commission, New Delhi on 31.10.2018. Even as on today, an amount of more than Rs.45 lakhs is due for payment.

In view of Sh.Gurpreet Singh Sidhu's, Managing Director of the Company attitude, it appears that he consistently avoiding the directions issued by this Commission in making any efforts to discharge the liability.

We direct Tehsildar, Chandigarh to attach the property bearing House No.317, Sector 21-A, Chandigarh, which is as per documents placed on record is the ownership of Sh.Gurpreet Singh Sidhu. Tehsildar, Chandigarh will verify the above fact before making the actual attachment.

Another copy of the Registration Certificate has been placed on record by Counsel for the decree holder showing that Vehicle No.CH01BD2130 make "Toyota Fortuner" is the ownership of M/s Emerging Valley P Ltd., which we have noted down in many cases that it is the sister concern of the judgment debtors Company i.e. M/s Emerging India Housing Corporation (P) Ltd., of which, Sh.Gurpreet Singh Sidhu is also the Managing Director.

Directions are issued to Registration & Licencing Authority, Chandigarh to attach the aforesaid Toyota Fortuner vehicle and flash a message to all the Traffic Police Stations in Chandigarh, Punjab & Haryana to seize the vehicle, wherever it is found. Before attaching the said vehicle, its ownership be confirmed.

Certified copy of this order be also sent to Deputy Commissioner, UT, Chandigarh to issue directions to Tehsildar, Chandigarh and Registering & Licencing Authority, UT, Chandigarh to take necessary action, in terms of the order passed by this Commission today.

Certified copy of this order be also sent to the above said officer(s) through Special Messenger.

Action taken report be submitted by the aforesaid officer(s) on or before the next date of hearing i.e. 11.04.2019.

Let fresh non-bailable warrants of arrests be again issued to secure the presence of Sh. Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. for the next date of hearing.

Police officials are permitted to conduct raids at the addresses mentioned in the execution application or at any other address, where they may be satisfied that the aforesaid person may be hiding.”

Tehsildar, Chandigarh was directed to attach the property bearing House No.317, Sector 21-A, Chandigarh and to submit action taken report on 11.04.2019 i.e. yesterday. No report was submitted and the matter was adjourned to today. Only Endst. No.DC/DRA/2019/594 dated 14.03.2019 was received in the office of this Commission on 15.03.2019 whereby it was informed that the matter was forwarded to the Tehsildar(R), U.T., Chandigarh for immediate necessary action and submit report on the date fixed.

Today, Tehsildar, Chandigarh appeared in the morning and placed on record one action taken report stating that the above said property has formally been attached. Entry qua attachment has also been made in the property records and notice has also been put at the aforesaid house. To say so, photographs have also been annexed with the report submitted. The report is taken on record.

It is necessary to mention here that on behalf of the

judgment debtors i.e. Emerging India Housing Corporation (P) Ltd. and its Managing Director, namely, Sh. Gurpreet Singh Sidhu, one Miscellaneous Application bearing No.236 of 2019 was filed through their Counsel invoking the provisions of Order XXI Rule 58 and Section 60(1) CCC of Code of Civil Procedure 1908 for de-attachment of House No.317, Sector 21A, Chandigarh. However, when confronted with legal issues, Counsel sought an adjournment and the matter was adjourned to 02.05.2019.

It is directed that the attachment deemed to have made in terms of Section 72 of Punjab Land Revenue Act, 1972 to recover the decretal amount as arrears of land revenue. Further necessary action be taken accordingly in terms of opinion expressed above. After taking action, report be submitted in Court on the next date of hearing.

One report has been received showing action taken by the Registering and Licensing Authority, U.T., Chandigarh to attach the car bearing Regd. No.CH01BD2130 make "Toyota Fortuner", which is ownership of M/s Emerging India Housing Corporation (P) Ltd., a sister concern of Emerging Valley Pvt. Ltd. It appears that except sending letters to the authorities, no positive action has been taken.

Registering and Licensing Authority, U.T., Chandigarh is directed to take positive action in terms of directions issued and flash messages to all District Headquarters to attach the car and take it in possession as and when, it is located anywhere within Chandigarh and States of Punjab and Haryana.

Registering and Licensing Authority, U.T., Chandigarh is directed to submit its action taken report on or before the next date of hearing and if it is not so done, the Officer concerned is directed to come present in Court.

Adjourned to 02.05.2019.

Sh. Sunil Mallan, Advocate, who is representing the decree holder(s) in connected cases also listed today, states that Sh. Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. is using Mobile No.9872700016.

Let fresh non-bailable warrants of arrests be again issued to secure the presence of Sh. Gurpreet Singh Sidhu, Managing Director of M/s Emerging India Housing Corporation (P) Ltd. for the next date of hearing.

Police authorities are directed to procure call details qua the said mobile number and by tracing location of telephone, an attempt be made to arrest Sh. Gurpreet Singh Sidhu.

Police officials are also permitted to conduct raids at the addresses mentioned in the execution application or at any other address, where they may be satisfied that the aforesaid person may be hiding.

Certified copy of this order be sent to the Tehsildar, Chandigarh, through Special Messenger, to take necessary action.

Certified copy of this order be also sent to the Deputy Commissioner, U.T., Chandigarh to ensure necessary compliance of the order passed on 28.02.2019 in terms of observations made

in today's order.

Copy of this order be placed in the files of connected Execution Applications bearing Nos.89, 90, 91 and 122 of 2018.

[JUSTICE JASBIR SINGH [RETD.]]
PRESIDENT

[PADMA PANDEY]
MEMBER

[RAJESH K. ARYA]
MEMBER

Ad/Rb