

(2026) 03 P&H CK 1241
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5907 Of 2026

Lavanya Dreams Banquet

APPELLANT

Vs

State Of Haryana And Ors

RESPONDENT

Date of Decision : 25-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2026) 03 P&H CK 1241

Hon'ble Judges : Jagmohan Bansal, J

Bench : Single Bench

Advocate : Dinesh Kaushik, Vivek Goyal, Svaneel Jaswal

Final Decision : Dismissed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 01.12.2023 passed by District Consumer Disputes Redressal Commission (for short 'District Commission'). It is further seeking stay on the execution of the impugned order.

2. The private respondent filed complaint dated 13.07.2023 against the petitioner before the Commission for theft of her vehicle make Toyota Fortuner bearing registration No.HR-03U-0008 outside the premises of the petitioner on 14.05.2019. The complainant alleged that the car was in the custody of the valet service of the petitioner. An FIR was lodged in this regard. The respondent approached Commission which held the petitioner guilty of negligence and ordered to pay compensation along with interest to the private respondent. As per petitioner, private respondent does not fall within the definition of 'consumer' for seeking claim against it. The District Commission has wrongly exonerated the insurer qua its liability.

3. The petitioner is claiming that respondent No.4 does not fall within the definition of 'consumer', thus, District Commission has wrongly invoked its

jurisdiction. Whether respondent was consumer or not is a disputed question of fact. It is not a pure question of jurisdiction. The impugned order was passed in December' 2023 and petitioner has approached this Court in March' 2026. The remedy to file appeal is equally efficacious and effective.

4. Maintainability of writ petition is one aspect and entertainability in view of availability of alternative remedy is another aspect. Considering the availability of remedy of first appeal before State Consumer Disputes Redressal Commission and thereafter second appeal before National Consumer Disputes Redressal Commission, this Court does not deem it appropriate to invoke its writ jurisdiction.

5. Dismissed.

6. It is made clear that the dismissal of petition would not inhibit the petitioner from availing any other alternative remedy.

7. Pending application(s), if any, stands disposed of.