

**(2003) 11 NCDRC CK 0075**

**In the National Consumer Disputes Redressal Commission**

PUNJAB URBAN DEVELOPMENT AUTHORITY

APPELLANT

Vs

SARVJIT KUMAR BAWA

RESPONDENT

---

**Date of Decision :** 12-11-2003

**Acts Referred:**

**Citation :** 2005 2 CPJ 212

**Hon'ble Judges :** Devinderjit Dhatt , MajGenS.P.Kapoor J.

**Final Decision :** Revision Petition allowed.

---

**Judgement**

1. WE propose to dispose of a bunch of ten revision petitions bearing Nos. 33 to 42 all of 2003 filed by PUDA impugning order dated 13.6.2002 passed by the District Consumer Disputes Redressal Forum-II [for short hereinafter referred to as the District Forum] whereby the District Forum on the oral request of the learned Counsel for the execution applicant directed that a certificate under Section 25(3) of Consumer Protection Act, 1986 [for short hereinafter referred to as the C.P. Act] be sent to the District Collector (Deputy Commissioner), Chandigarh authorising him to recover the amount awarded under Section 14 of the C.P. Act against the O.P. vide order dated 29.4.2003 of this Commission passed in Appeal Case No. 85 of 2003.

2. THE learned Counsel for the revisionist G.S. Arshi, Advocate contended that the District Forum while ordering the issuance of recovery certificate to the Deputy Commissioner for recovery of the amount awarded as arrears of land revenue, has acted illegally and with material irregularity as no opportunity of hearing was provided to the petitioner and before passing the impugned order, no notice had been served upon the petitioners and the order was passed at the back of the petitioner. THE learned Counsel for the revisionist further contended that the District Forum issued the recovery certificate only on the oral request of the respondent-execution applicant and no written application as mandated in Section 25(3) of the C.P. Act was ever moved by the respondent execution application before the District Forum for the issuance of the said certificate. THE revisionist alleged denial of due notice of the execution case and made a prayer

that the impugned order be set aside. We summoned the original record of all the execution cases and after carefully perusing the same, we find that the respondent-judgment debtor had moved the execution applications before the District Forum under Sections 25 and 27 of the C.P. Act, duly supported with the affidavits of the Decree Holder and there is no application on the record of these execution cases under Section 25(3) of the C.P. Act moved by the execution applicants for the issuance of a Certificate to the District Collector (Deputy Commissioner), Chandigarh for recovery of the amount in the same manner as arrears of land revenue.

Section 25(3) of the C.P. Act (as amended by Act No. 62 of 2002) specifically laid down where any amount is due from any person under an order made by a District Forum, State Commission or the National Commission, as the case may be, the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission, as the case may be, and such District Forum or the State Commission or the National Commission may issue a certificate for the said amount to the Collector of the District who shall proceed to recover the amount in the same manner as arrears of land revenue.

3. THE District Forum, in our considered view, has totally failed to appreciate the provisions of Section 25(3) of the C.P. Act which mandates that it is on the application moved by the decree holder - Execution Applicant, that the District Forum shall issue a Certificate under Section 25(3) of the C.P. Act to the District Collector. THE District Forum further without issuing notice of the execution cases to the judgment debtor PUDA, proceeded to issue certificate under Section 25(3) of the C.P. Act, which cannot be held to be justified in the eyes of law. THE denial of opportunity to the revisionist - PUDA is apparently on record as the District Forum on the first go issued a Certificate under Section 25(3) of the C.P. Act upon oral request of the learned Counsel for the Execution Application without being there any written application by the Execution Application to proceed under Section 25(3) of the C.P. Act. In our opinion, both in the absence of any specific application under Section 25(3) of the C.P. Act on record and denying opportunity to the revisionist - PUDA of being heard, the District Forum has erred in law. Resultantly, the impugned order dated 13/6/2003 passed by the District Forum in the Execution Case Nos. 131 to 140 all of 2003 is set aside and the District Forum is directed to proceed with the execution cases after issuance of due notice to the revisionist-Judgment Debtor/PUDA and thereafter the District Forum shall proceed with the execution cases as per the provisions of the C.P. Act and according to law. The parties are directed to appear before the District Forum-II, U.T., Chandigarh on 27/11/2003 Copies of this order be sent to the parties free of costs. Revision Petition allowed.