

**DELHI STATE CONSUMER DISPUTES REDRESSAL COMMISSION**  
**A-BLOCK, VIKAS BHAWAN, IP ESTATE NEW DELHI**

**No.F.I/NOTICE/2021/SCDRC/612**

**Dated: 14.09.2021**

**NOTICE - EXECUTIONS**

It has been noticed that the Execution Application/Petitions presented before this Commission are incomplete, in which, the details of the Movable and Immovable Properties of the Judgment Debtor are not being mentioned/provided, leading to a delay in the adjudication of such Applications/Petitions.

Thus, it is hereby informed for the general public at large that the Execution Applications/Petitions shall be filed following the guidelines as below for proper and expeditious disposal:

1. The application should state distinctly the mode in which the assistance of this Commission is sought and the proceedings should be confined to that mode, unless any amendment has been allowed.
2. Every application for the execution of a decree shall be in writing, signed and verified by the applicant or by some other person proved to the satisfaction of the Commission to be acquainted with the facts of the case, with a Certified Copy of the order/judgment/decree annexed and shall contain in a tabular form the following particulars, namely :
  - (a) the number of the Complaint/Appeal;
  - (b) the names of the parties;
  - (c) the date of the order/judgment/decree;
  - (d) whether any appeal has been preferred from the order/judgment/decree;
  - (e) whether any, and (if any) what, payment or other adjustment of the matter in controversy has been made between the parties subsequently to the order/judgment/decree;

- (f) whether any, and (if any) what, previous applications have been made for the execution of the order/judgment/decreed, the dates of such applications and their results;
- (g) the amount with, interest (if any) due upon the order/judgment/decreed, or other relief granted thereby,;
- (h) the amount of the costs (if any) awarded;
- (i) the name of the person against whom execution of the decree is sought; and
- (j) the mode in which the assistance of the Commission is required whether,—
  - (i) by the delivery of any property specifically ordered/decreed;
  - (ii) by the attachment, or by the attachment and sale, or by the sale without attachment, of any property;
  - (iii) by the arrest and detention in prison of any person;
  - (iv) by the appointment of a receiver;
  - (v) otherwise, as the nature of the relief granted may require.

3. When an application is for the attachment of movable and immovable property, special care shall be taken that the following additional guidelines are adhered to:

- (a) a description of such property sufficient to identify the same and, in case such property can be identified by boundaries or numbers in a record of settlement or survey, a specification of such boundaries or numbers; and
- (b) a specification of the judgment-debtor's share or interest in such property to the best of the belief of the applicant, and so far as she/he has been able to ascertain the same.

4. Where an application is for arrest of the judgment debtor, the Application/Petition should contain the special reasons for directly proceeding with the Arrest instead of resorting to other modes of Execution and the following additional guidelines should be followed:
  - a. In case of an application for the Arrest of the Judgment Debtor, section 27 of the Consumer Protection Act, 1986 or section 72 of the Consumer Protection Act, 2019, whichever be the case, shall be applicable.
  - b. The details of the Judgment Debtor, including the name, father's name, residential address, office address/where the person works for gain, PAN Number, if any, and such other details which would enable this Commission to identify the person and order arrest shall also be provided in the Execution Application/Petition.
5. Upon an application for execution being filed, the Registry of this Commission shall scrutinize it to see that all the aforesaid requirements have been duly complied with and, if they have not been complied with, the Registry shall allow the defect to be remedied then and there or within a time to be fixed by it.
6. If the defect is not so remedied, the Registry shall, reject the application at the outset.
7. It is only after the Registrar or any other person conferred with the power under the hand of the Registrar, certifies that the Execution Application/Petition fulfils the aforesaid parameters, the same shall be put before the concerned bench for adjudication.

It is clarified that the aforesaid directions are not exhaustive and such other directions/guidelines, which are in consonance with the Rules of Natural Justice as well as the General Law/Rules of Execution of Decrees shall be

applicable, which is appropriate in a given case and which fulfils the true purport of the Consumer Protection Act.

-sd-

(Sumanta Chakraborty)  
Registrar, State Commission

Copy to:-

1. Hon'ble Members, State Commission, Delhi.
2. PS to Hon'ble President, State Commission, Delhi.
3. All concerned
4. Secretary, Delhi Consumer Practitioners' Bar Association.
5. In-charge, Filing Counter.
6. TSP, State Commission with the direction to upload the same on the website of this Commission.
5. Notice board
6. Guard file.