

ITEM NO.7 Court 3 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).11461/2020

(Arising out of impugned final judgment and order dated 04-02-2020 in RP No. 2041/2019 passed by the National Consumer Disputes Redressal Commission, New Delhi)

SANDHYA DEY

Petitioner(s)

VERSUS

KAPIL SEN & ORS.

Respondent(s)

(WITH I.R. and IA No.95964/2020-EXEMPTION FROM FILING AFFIDAVIT)

Date : 05-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MS. JUSTICE INDU MALHOTRA  
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Tishampati Sen, Adv.  
Ms. Riddhi Sancheti, AOR  
Ms. Aarti K. Kumar, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1 The National Consumer Disputes Redressal Commission<sup>1</sup> has, by its judgment dated 4 February 2020, affirmed the order of the State Consumer Disputes Redressal Commission<sup>2</sup> directing the petitioner to either hand over possession of the residential flat or in default to refund an amount of Rs 8,01,000, together with interest at 10% per annum.

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1 "NCDRC"

2 "SCDRC"

- 2 We are of the view that there is no error in the decision of the NCDRC, particularly as regards the refund of consideration since admittedly the flat which was agreed to be sold to the complainant has not been made available and the monies have not been refunded.
- 3 However, in the alternative, Mr Tishampati Sen, learned counsel appearing on behalf of the petitioner, made an earnest request on the ground that the petitioner is 73 years' old and is facing a serious medical condition at present and she is ready and willing to pay the amount, if some time to do so is granted. However, in the meantime, a warrant has been issued against the petitioner. Learned counsel has stated that the petitioner would pay an amount of Rs 4 lakhs within one month and sought a period of one year for paying the remaining amount. The period sought for payment is, in the view of this court, unduly long.
- 4 Having regard to the facts and circumstances, we pass the following order:
- (i) The petitioner shall pay an amount of Rs 4 lakhs to the first respondent on or before 31 October 2020;
- (ii) The balance which remains due and payable inclusive of interest shall be paid in three equal instalments, to be paid over on or before 31 December 2020, 28 February 2021 and 30 April 2021.
- 5 Conditional on the petitioner complying with the above time schedule, no coercive steps shall be taken against the petitioner. However, in the event of default in complying with any part of the above directions, the order of the NCDRC shall become executable forthwith.

- 6 Since the above order has been passed without notice to the first respondent, the first respondent would be at liberty to move this Court for any modification that may be desired, with notice to the learned counsel for the petitioner.
- 7 The Special Leave Petition is accordingly disposed of.
- 8 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**COURT MASTER**