

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
MISCELLANEOUS APPLICATION NO.698/2021

IN

CIVIL APPEAL NO.401/2021

M/S PARSVNATH DEVELOPERS LTD

Petitioner(s)

VERSUS

LT. GEN.(RETD.) RANDHIR KUMAR MEHTA & ANR.

Respondent(s)

WITH

MA 699/2021 in C.A. No. 403/2021

MA 702/2021 in C.A. No. 336/2021

MA 700/2021 in C.A. No. 402/2021

MA 701/2021 in C.A. No. 326/2021

O R D E R

Miscellaneous Application No.698/2021 in C.A. No.401/2021

While disposing of Civil Appeal No. 401/2021, following order was passed by this Court on 09.02.2021.

“Delay condoned.

The Civil appeals are dismissed. However, the appellant(s) is granted three months time from today finally to pay the entire amount. Till such time, no coercive steps shall be taken against the appellant(s). It is made clear that if the entire amount with interest is not paid within three months then the coercive steps and other factors should be taken against the appellant(s).

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

In terms of the order, the entire amount was to be paid within three months which period is to expire on 08.05.2021.

The instant application has made following averments:

"5. That the Appellant is depositing a sum of Rs.54,51,505/- (Rupees Fifty Four Lakhs Fifty One Thousand Five Hundred and Five Only) before the Hon'ble National Consumer Disputes Redressal Commission vide Demand Draft bearing Number 018591 for a sum of Rs.54,51,505/- (Rupees Fifty Four Lakhs Fifty One Thousand Five Hundred and Five Only) towards the part compliance of the order dated 09.02.2021 passed by this Hon'ble Court. Copy of Demand Draft bearing number 018591 for a sum of Rs.54,51,505/- (Rupees Fifty Four Lakhs Fifty One Thousand Five Hundred and Five Only) is annexed herewith and marked as annexure-A.

6.It is submitted that with the deposition of the above said amount the payment towards the Principal i.e., a sum of Rs.54,51,505/- (Rupees Fifty Four Lakhs Fifty One Thousand Five Hundred and Five Only) stand paid and a sum of Rs.89,69,430/- (Rupees Eighty Nine Lakhs Sixty Nine Thousand Four Hundred and Thirty Only) towards interest subject to deduction of TDS and Rs.25,000/- (Rupees Twenty Five Thousand only) towards litigation cost remains payable to the Respondents. Copy of Calculation Sheet is annexed herewith and marked as Annexure-B."

Appearing in support of the application, Mr.Sachin Datta, learned Senior Advocate submits that the applicant shall deposit a sum of Rs.54,51,505/- being the principal amount in the Registry of National Consumer Disputes Redressal Commission, New Delhi ("the National Commission", for short) by tomorrow. However, with respect to the amount indicated in Paragraph 6 being the interest element, a request is made for extension of time. Mr. Datta prays that an extension of about eight weeks be granted subject to the Directors, namely, M/s

Pradeep Jain and Sanjiv Jain of the applicant-Company, filing their personal undertakings within three days from today.

Mr. A.P.S Ahluwalia, learned Senior Advocate has graciously agreed to the suggestion made by Mr. Datta. He, however, submits that the computation of the interest element is not correct to which Mr. Datta, has responded that full particulars will be given and the interest element shall be paid to the last penny.

In the circumstances, it is directed that:

(a) Both M/s Pradeep Jain and Sanjiv Jain, Directors of the applicant-Company shall file their personal undertakings within three days that the element of interest shall be deposited in the Registry of the National Commission within eight weeks today.

(b) Upon filing such Undertakings, the period of eight weeks shall stand extended from 09.05.2021.

(c) In case, no such undertakings are filed, the respondent No.1, namely, Lt. Gen.(Retd.) Randhir Kumar Mehta shall be entitled to execute the orders in his favour in accordance with law.

(d) The amount representing the principal sum shall be deposited in the Registry of the National Commission by tomorrow.

With the aforesaid directions, this application is disposed of.

MA 699/2021 in C.A. No.403/2021, MA 702/2021 in C.A. No.336/2021,
MA 700/2021 in C.A. No.402/2021 & MA 701/2021 in C.A. No.326/2021

All these matters arise in identical situation.

Subject to the affidavits being filed by M/s Pradeep Jain and Sanjiv Jain as indicated hereinabove, similar advantage of extension of eight weeks shall stand granted in all these matters.

.....J.
(UDAY UMESH LALIT)

.....J.
(K.M. JOSEPH)

NEW DELHI,
MAY 6, 2021

ITEM NO.24 Court 3 (Video Conferencing) **OUT TODAY**
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

Miscellaneous Application No. 698/2021 in C.A. No. 401/2021

M/S PARSVNATH DEVELOPERS LTD Petitioner(s)

VERSUS

LT. GEN.(RETD.)RANDHIR KUMAR MEHTA & ANR. Respondent(s)

(FOR ADMISSION and IA No.58791/2021-EXTENSION OF TIME)

WITH

MA 699/2021 in C.A. No. 403/2021 (XVII-A)
(FOR ADMISSION and IA No.58771/2021-EXTENSION OF TIME)

MA 702/2021 in C.A. No. 336/2021 (XVII-A)
(FOR ADMISSION and IA No.58776/2021-EXTENSION OF TIME)

MA 700/2021 in C.A. No. 402/2021 (XVII-A)
(FOR ADMISSION and IA No.58782/2021-EXTENSION OF TIME)

MA 701/2021 in C.A. No. 326/2021 (XVII-A)
(FOR ADMISSION and IA No.58788/2021-EXTENSION OF TIME)

Date : 06-05-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr.Sachin Datta,SeniorAdvocate,
Mr.Rajesh. P. AOR,
Mr. Manoranjan Sharma, Advocate
Mr. Deeptanshu Jain, Advocate

For Respondent(s) Mr. A.P.S Ahluwalia, Sr. Advocate
Mr.S.S. Ahluwalia, Adv.
Mr. Abinash Kumar Mishra, AOR

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

The miscellaneous applications are disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER

(Signed order is placed on the file)