

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 3551 of 2020
(Arising out of SLP (C) No 8979 of 2020)

M/s Manya Infra Buildwell Private Limited

...Appellant

Versus

Muzammil Ahmad

...Respondents

ORDER

1 Leave granted.

2 We have heard Mr Praveen Agrawal, learned counsel appearing on behalf of the appellant and Ms Aakriti Dhawan, learned counsel appearing on behalf of the respondent.

3 The record before the Court indicates that the appellant, after appearing before the State Consumer Disputes Redressal Commission¹, did not participate in the proceedings. There was a delay of nearly eleven months in filing the appeal before the National Consumer Disputes Redressal Commission². The cause shown for the delay does not indicate the exercise of due diligence on the part of the appellant. Hence, we are not inclined to interfere with the direction that has been issued by the SCDRC for refund of the principal amount which has been paid by the respondent for the purchase of the flat. The flat was admittedly not ready even after the period stipulated in the agreement for delivery of possession had come to an end.

1 “SCDRC”

2 “NCDRC”

4 However, in the alternative, Mr Agrawal submitted that interest which was
awarded at the rate of eighteen per cent is disproportionate and contrary to the
orders passed by this court and should be scaled down.

5 Ms Aakriti Dhawan, on receiving instructions from the respondent, states that
the respondent would be ready and willing to accept a refund at the rate of ten
per cent per annum, subject to the appellant depositing the amount within a
period of one month.

6 Mr Agrawal has requested for an extended period of four months to do so.

7 The period of four months which has been sought to effect a refund is unduly
long. We order and direct that the interest which has been awarded by the
SCDRC shall be scaled down to ten per cent per annum, subject to the condition
that the appellant pays over to the respondent the principal amount, together
with interest at the rate of ten per cent per annum on or before 31 December
2020. In the event that the appellant fails to do so, the benefit of this order shall
not be available and the order which has been passed by the SCDRC shall
become executable forthwith.

8 Subject to the aforesaid, the appeal is disposed of.

9 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indira Banerjee]

**New Delhi;
October 28, 2020**

ITEM NO.12 Court 6 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).8979/2020

(Arising out of impugned final judgment and order dated 20-02-2020 in FA No. 265/2020 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S MANYA INFRA BUILDWELL PRIVATE LIMITED Petitioner(s)

VERSUS

MUZAMMIL AHMAD Respondent(s)

(WITH I.R.)

Date : 28-10-2020 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Praveen Agrawal, AOR

For Respondent(s) Mr. Parmatma Singh, AOR
 Ms. Aakriti Dhawan, Adv.
 Mr. Mayank Jain, Adv.
 Mr. Madhur Jain, Adv.

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

- 1 Leave granted.
- 2 The appeal is disposed of in terms of the signed order.
- 3 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)