

ITEM NO.29

COURT NO.13

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). 11993/2020

[Arising out of impugned final judgment and order dated 10-02-2020 in IA No. 20224/2019 in FA No.2384/2019 passed by the National Consumer Disputes Redressal Commission, New Delhi]

M/S VASU INFRASTRUCTURE PRIVATE LIMITED

PETITIONER

VERSUS

KUSUM LATA SHARMA & ANR.

RESPONDENTS

(IA No. 102350/2020 - EXEMPTION FROM FILING O.T.)

Date : 17-12-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Pranav Gupta, Adv.
Mr. Deepak Goel, AOR

For Respondent(s) Mr. Soumik Ghosal, AOR
Mr. Rajendra Juneja, Adv.
Mr. Ashutosh Chaturvedi, Adv.
Mr. Gaurav Singh, Adv.

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

The petitioner before this Court is the developer of a project where a flat was to be given to the private respondents. Since this was not done, a consumer complaint was made, which was ultimately decided by the State Consumer Disputes Redressal

Commission, Uttar Pradesh, (for short 'the SCDRC')with the following directions:

"Complaint is partly allowed. Cancellation of Allotment of the Flat, declared cancelled O.P. is directed, if the Flat in question is not sold to Smt. Rubi Rastogi, then after obtaining complete dues, related to the Flat, from the Petitioner, Sale Deed & Possession of the Flat in question be provided.

O.P. is directed to provide the Petitioner, amount of payable dues, related to Flat in question, within one month from the date of Judgement. O.P. is further directed, that they shall be entitled for Interest for the period till 24.7.2011, according to terms of the Agreement related to the Flat in question, among parties.

Petitioner is directed to pay complete amount to the O.P., within 30 days of receiving captioned information from the O.P. After receiving captioned payable amount, O.P. will execute Sale Deed, followed by possession of the Flat in question, in favor of the Petitioner. If the Flat in question is sold to Smt. Rubi Rastogi, then O.P. will ensure Sale & possession of any other Flat, of same Area, in the same scheme, on agreeing of the Parties, after receiving captioned amount.

If no other Flat of same area, is not possible or the Petitioner is not ready to take the captioned Flat, then O.P. is directed to return the complete deposited amount to the Petitioner, with 18% yearly simple interest, within 30 days of the Judgement. It is further directed to pay Rs.3,00,000/- as

compensation along with Rs.20,000/- as Litigation expenses, within the prescribed period. Both the parties shall bear litigation expenses themselves.

This order of the SCDRC was challenged by the petitioner belatedly before the National Consumer Disputes Redressal Commission, New Delhi (for short 'the NCDRC'), which was dismissed on the ground of delay of almost one year. Valid reasons have been given by the NCDRC as to why the complaint was dismissed on the ground of inordinate delay. We also see no justifiable reason for which this inordinate delay could have been condoned. Hence, there is no scope for us to interfere with the impugned order passed by the NCDRC. In the result, the order of the SCDRC has to be complied with.

We are told that some amount was already deposited by the petitioner and that the remaining amount has been deposited with the SCDRC. We direct that the amount deposited with the SCDRC along with interest accrued thereto, shall be released in favour of the respondents.

The Special Leave Petition is dismissed in the aforesaid terms.

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

(POOJA SHARMA)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)