

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5099 OF 2019

M/S. VAHE PROJECTS PRIVATE LIMITED

...Appellant

VERSUS

MANMEET KUNWAR AND TRAPTA CHAUHAN & ORS. ...Respondents

O R D E R

1. This appeal is directed against the order dated 22.04.2019 passed by the National Consumer Disputes Redressal Commission at New Delhi ('the National Commission', for short) in Consumer Case No.2022 of 2018 with IA No.16864 of 2018. The order under appeal allowed the application preferred by 17 Complainants who had sought permission of the National Commission to proceed in representative capacity. The application so preferred under Section 12(1)(c) of the Consumer Protection Act, 1986 was allowed by the National Commission with following observations:-

“9. A perusal of the body of the Complaint shows that the 17 Complainants have sought permission of this Commission to proceed in representative capacity for benefit of entire class of persons having same interest, i.e. the class of people who are interested in seeking legal possession of the flats along with compensation for delayed possession therefore all the allottees who have not taken possession

shall remain within the purview of this Complaint. A perusal of the prayers shows that the Complainants are seeking possession with completion of all amenities together with the interest for delayed period along with the some amounts claimed to be allegedly charged together with compensation and interest. And therefore it can be seen that all the prayers read together with the pleading that it is in a representative capacity of all the Consumers having the same interest i.e. those flat purchasers who have not yet taken the possession of the flats, we are of the considered view that this Complaint filed by 17 Consumers falls within the ambit and scope purported under Section 12(1)(c) of the Act, as laid down by this Commission in *Ambirsh Kumar Shukla*¹.”

2. Mr. Basava Prabhu S. Patil, learned Senior Advocate appearing for the appellant submitted *inter alia*: (a) Only 17 out of 140 flat buyers had joined the action and prayed for permission to proceed in representative capacity; and (b) two of the flat buyers had already filed their claims in individual capacity before the State Commission, which matters were still pending consideration.

3. With the assistance of the learned counsel we have gone through the record and do not find any merit in the submissions advanced on behalf of the appellant. Going by the law laid down by this Court, the application preferred by 17 Complainants was rightly allowed by the National Commission.

4. We, therefore, do not find any reason to interfere. This Civil Appeal

is dismissed. Pending applications, if any shall also stand disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[VINEET SARAN]

New Delhi;
July 2, 2019.

ITEM NO.59

COURT NO.8

SECTION XVII

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

Civil Appeal No(s). 5099/2019

M/S VAHE PROJECTS PRIVATE LIMITED

Appellant(s)

VERSUS

MANMEET KUNWAR AND TRAPTA CHAUHAN & ORS.

Respondent(s)

(IA No.90431/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.90430/2019-EX-PARTE STAY)

Date : 02-07-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE VINEET SARAN

For Appellant(s)

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. Parashuram R. Hattarakihal, Adv.
Mr. Sharanagouda Patil, Adv.
Mr. G.M. Gadilingappa, Adv.
M/S. S-legal Associates, AOR

For Respondent(s)

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

The Civil Appeal is dismissed in terms of the signed
order.

Pending applications, if any, shall also stands disposed
of.

(INDU MARWAH)
COURT MASTER (SH)

(SUMAN JAIN)
BRANCH OFFICER

(signed order is placed on the file)