

ITEM NO.7+28 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
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).11091/2020

(Arising out of impugned final judgment and order dated 17-08-2020 in IA No. 4908/2020 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S NICHE DEVELOPERS GOA & ORS.

Petitioner(s)

VERSUS

DR. ANIRUDHA BASU & ORS.

Respondent(s)

(WITH I.R. and IA No.92429/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92428/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 11144/2020 (XVII-A)

(WITH I.R. and IA No.93328/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.93327/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 11864/2020 (XVII-A)

(WITH I.R. and IA No.100676/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.100677/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(C) No. 12116/2020 (XVII-A)

(WITH I.R. and IA No.103840/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.103842/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 13-10-2020 These petitions were 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. Ankit Anandraj Shah, AOR

For Respondent(s) Mr. Karan Mathur, Adv.
Ms. Ananyaa Mazumdar, Adv.
Ms. Ila Shikhar Sheel, AOR

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

- 1 The National Consumer Disputes Redressal Commission¹, by its order dated 16 March 2020, issued notice in the appeals only on the question of the grant of Rs 8,32,116 and Rs 2,05,280 by the State Consumer Disputes Redressal Commission, Goa². The other directions issued by the SCDRC were as follows:

CC/24/2017:

"(b) The OPs are directed to refund to the Complainant the amount of Rs.62,66,630/- paid to the OP No.1 in connection with the said flat, along with interest @ 10% per annum from the date of each payment till the date of realization of the entire amount.

(d) The OPs shall pay costs of Rs.40,000/- to the Complainant."

CC/25/2017

"(b) The OPs are directed to refund to the Complainant the amount of Rs.72,94,356/- paid to the OP No.1 in connection with the said flat, along with interest@ 10% per annum from the date of each payment till the date of realization of the entire amount.

(d) The OPs shall pay costs of Rs.40,000/- to the Complainant."

- 2 By a subsequent order dated 17 August 2020, the NCDRC observed that since its earlier order issued notice only on a specific part of the reliefs granted by the SCDRC, the rest of the amount had to be paid to the respondents. It granted a month's time for payment of the amount.
- 3 Both the orders dated 16 March 2020 and 17 August 2020 have been questioned in these proceedings.

1 "NCDRC"

2 "SCDRC"

- 4 The order of the NCDRC dated 16 March 2020 contains no reasons for issuing notice confined only to a specific part of the reliefs which were granted by the SCDRC. If by not issuing notice on the rest of the reliefs granted by the SCDRC, the NCDRC was rejecting the first appeals against the allowing of those reliefs, reasons had to be indicated. This has not been done.
- 5 During the course of the hearing of the present proceedings, learned counsel appearing for the contesting parties have agreed that the orders of the NCDRC dated 16 March 2020 and 17 August 2020 may be set aside, by consent, and the first appeals may be restored to the file of the NCDRC for consideration afresh.
- 6 The orders dated 16 March 2020 and 17 August 2020 are accordingly set aside (except in regard to the notice which has already been issued) and the first appeals, namely, First Appeal Nos 2206 and 2207 of 2019 are restored to the file of the NCDRC in the light of the above observations. We clarify that the NCDRC shall consider the entire matter, including all the reliefs which have been granted by the SCDRC.
- 7 The execution proceedings which are pending before the SCDRC shall stand adjourned by a period of eight weeks so as to enable the NCDRC to take up the matter and pass appropriate orders in the meantime. The NCDRC is requested to take the first appeals expeditiously and preferably within a period of four weeks from the date of receipt of a certified copy of this order.
- 8 The Special Leave Petitions stand disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER