

ITEM NO.4

COURT NO.8

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).22012/2019

(Arising out of impugned final judgment and order dated 09-05-2019 in RA No. 147/2019 and 25-04-2018 in IA No. 8697/2016 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S DIKSHIT REALTORS

Petitioner(s)

VERSUS

JATAN A. BHUTA & ANR.

Respondent(s)

(WITH IA No. 110615/2019 - CONDONATION OF DELAY IN FILING)

Date : 02-12-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Nitin Bhardwaj, AOR
Mr. Shantanu Bansal, Adv.

For Respondent(s) Mr. Bharat Swaroop sharma, Adv.
Mr. Sureshan P., AOR

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

Delay condoned.

By the order of this Court dated 5 August 2019, the following directions were issued:

"In order to test the bona fides of the petitioner we direct that conditional on the petitioner depositing 50% of the amount as directed under the order dated 28 April 2016, within a period of four weeks from today before the NCDRC in Consumer Case No.1384/2015, no coercive steps shall be taken against the petitioner.

In the event the petitioner deposits the amount and files proof of deposit before the Registry of this Court, notice shall be issued returnable on 23 September 2019. If the

petitioner fails to file the proof of deposit before the NCDRC on or before 2 September 2019, the Special Leave Petition shall stand dismissed without further reference to this Court."

The petitioner has deposited only an amount of Rs 7,83,000 before the National Consumer Disputes Redressal Commission towards arrears of compensation for the period between November 2014 and 31 May 2016. In the counter affidavit filed by the respondents, a chart of computation of the outstanding arrears has been set out from which it emerges that the total arrears payable to the respondents work out to Rs 44.37 lakhs. The petitioner was required to deposit 50% of this amount (Rs 22,18,500) which admittedly has not been deposited.

Even during the course of the hearing, we had furnished an opportunity to the petitioner to comply with the order passed by this Court, but this is not forthcoming.

In the circumstances, we are constrained to direct that the Special Leave Petitions shall stand dismissed in terms of the previous order passed by this court. The amount which has been deposited before the NCDRC by the petitioner shall be disbursed to the respondents against proper identification.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER