

ITEM NO.1 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

Civil Appeal No(s). 4986/2018

M/S EMAAR MGF LAND LTD.

Appellant(s)

VERSUS

KUMAR RISHABH & ANR.

Respondent(s)

([ONLY I.A. NOS. 44280/2020 IN C.A.NO.598/2020, I.A.NO.44285 IN C.A.NO.596/2020 AND I.A.NOS.60894/2020 AND 60902/2020 IN C.A.D.NO.3559/2020 MAY BE LISTED ON 25.11.2020])

WITH

C.A. No. 598/2020

C.A. No. 596/2020

Diary No(s). 3559/2020

(IA No. 60902/2020 - CONDONATION OF DELAY IN FILING
IA No. 60894/2020 - CONDONATION OF DELAY IN FILING)

Date : 25-11-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Mr. Anant Kumar Vatsya, Adv.
Mr. Shiv Kumar, Adv.
Mr. Binod Kumar Singh, Adv.
Mr. Devendra Singh, AOR

D No.3559/2020 Mr. Pratap Shanker, Adv.
Mr. Ankit Kumar, Adv.
Mr. Swetank Shantanu, AOR

CA 4986/2018 Ms. Monika Balhara, Adv.
Ms. Shipra Saboo, Adv.
Mr. Nikhil Srivastava, Adv.
Mr. Kabir Dixit, AOR

For Respondent(s) Mr. Sameer Abhyankar, AOR
Mr. Nalin Talwar, Adv.
Mr. Amish Tandon, Adv.
Mr. Ayush Beotra, Adv.
Mr. Varun Tandon, Adv.
Ms. Megha Choubey, Adv.
Ms. Ankita Trivedi, Adv.

Mr. Rajiv Ranjan Dwivedi, AOR

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

Delay in depositing the amount is condoned.

Delay in filing is condoned.

Appeal(s) is/are admitted.

There are two issues which arise: firstly of possession being handed over to flat buyers and secondly, the damages imposed by the National Consumer Disputes Redressal Commission for belated handing over of possession. On the second aspect, the operation of the impugned order is stayed subject to deposit.

We are immediately concerned with the first aspect as it is submitted before us that some of the flat buyers have got possession while others have not. We call upon the appellants to find out as to why the possession has not been handed over to all the flat buyers/respondents and a list be made of all the pending cases of the appellants before us in respect of the project in question indicating whether possession has been handed over or not and if not, when will the possession be handed over. It should also set out the reason why the possession has not been handed over.

The needful be done within two weeks.

Registry to list all the tagged appeals.

List for directions in miscellaneous matters in the re-opening week of January, 2021.

(ASHA SUNDRIYAL)
AR-CUM-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR