

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal Nos. 9295-9296 of 2019
(Arising out of SLP(C) Nos 29054-29055 of 2018)

Emaar MGF Land Limited & Anr

.... Appellant(s)

Versus

Govind Paul

....Respondent(s)

ORDER

1 Leave granted.

2 These appeals arise from the orders of the National Consumer Disputes Redressal Commission¹ dated 26 July 2018 and 4 September 2018 in First Appeal No 402 of 2017 and Review Application No 310 of 2018 respectively. The NCDRC directed the appellants to refund the principal sum of Rs 39,88,056 to the respondent, together with interest at the rate at which loans were taken by the respondent for the purpose of making payment of the principal amount to the appellants.

3 When the Special Leave Petitions came up before this Court on 13 November 2018, the grievance of the appellants was confined to the

1 “NCDRC”

direction to pay interest at a floating rate. This was recorded in the order dated 13 November 2018 in the following terms:

“Mr. Vishwanathan, learned Senior Counsel appearing on behalf of the petitioners has only one ground of challenge in respect of the impugned order of the National Consumer Disputes Redressal Commission, New Delhi which has been urged in these proceedings. Learned Senior Counsel submits that, by the impugned order, the rate of interest has been fixed as the interest on the loan which was taken from Bank/Financial Institution and in the event that there was a floating rate of interest, the highest rate is to be adopted for the computation. It has been urged that this direction introduces an element of uncertainty in the computation of the actual amount and hence it would be appropriate if a fixed rate of interest is awarded on the principal amount due and payable which has been quantified at Rs.39,88,056/- (Rupees Thirty Nine Lakhs Eighty Eight Thousand and Fifty Six only).

The attention of the Court has been drawn to the notice which was issued by the Complainant on 25.2.2016 (Annexure P-4) to the complaint.

In our view, it will be appropriate if the petitioner, in terms of the statement which has been made before this Court, is directed to deposit the decretal amount on the basis of interest computed at 10.25% per annum. The amount shall be deposited before the National Consumer Disputes Redressal Commission, New Delhi within a period of two weeks from today.

Liberty is granted to the respondent to unconditionally withdraw the aforesaid amount.

Issue notice to the respondent returnable within three weeks, confined only to the issue of interest.

Dasti, in addition, is permitted.”

- 4 In pursuance of the above directions, Mr K V Vishwanathan, learned senior counsel appearing on behalf of the appellants has placed on the record a tabulated statement indicating the amounts which have been deposited. The appellants have deposited a total amount of Rs 70,95,973, inclusive of compensation of Rs 5,00,000; litigation costs of Rs 50,000 and interest computed at the rate of 10.25% per annum.

- 5 The direction in regard to the payment of interest at a floating rate would have caused uncertainty in the implementation of the order. Learned counsel appearing on behalf of the respondent stated that 10.25% per annum is the highest rate at which the loan facility was obtained by the respondent.
- 6 In view of the aforesaid position and in the facts and circumstances, the interests of justice would be met by bringing finality to the proceedings in terms of the direction that the total amount disbursable to the respondent stands quantified at Rs 70,95,973. We order accordingly.
- 7 The appeals are accordingly disposed of. There shall be no order as to costs.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Hrishikesh Roy]

**New Delhi;
December 09, 2019**

ITEM NO.44

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

Petition(s) for Special Leave to Appeal (C) No(s).29054-29055/2018

(Arising out of impugned final judgment and order dated 26-07-2018 in FA No. 402/2017 and 04-09-2018 in RA No. 310/2018 passed by the National Consumer Disputes Redressal Commission, New Delhi)

EMAAR MGF LAND LIMITED & ANR.

Petitioner(s)

VERSUS

GOVIND PAUL

Respondent(s)

Date : 09-12-2019 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. K.V. Vishwanathan, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Ms. Parul Shukla, Adv.
Mr. Baldev Atreya, Adv.
Mr. E. C. Agrawala, AOR

For Respondent(s) Mr. Partha Sil, AOR
Mr. Jagpal Singh Dhupar, Adv.
Mr. S.S. Komal, Adv.
Mr. Sukhbir Singh, Adv.
Mr. Tavish B. Prasad, Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)