

ITEM NO.15 Court 4 (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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 39616/2019

(Arising out of impugned final judgment and order dated 24-01-2019 in FA No. 901/2017 passed by the National Consumers Disputes Redressal Commission, New Delhi)

SHREYANS JAIN & ORS.

Petitioner(s)

VERSUS

ARIJIT BHATTACHARYYA & ORS.

Respondent (s)

(IA No.115843/2020-CONDONATION OF DELAY IN FILING and IA No.115844/2020-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS and IA No.11533/2021-APPLICATION FOR PERMISSION.....[TO BE TAKEN UP AS FIRST ITEM])

Date : 16-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Rabin Majumdar, Adv.
Mr. Joydeep Mukherjee, AOR
Ms. Akansha Srivastava, Adv.

For Respondent(s)

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

While disposing of Consumer Case No.CC/14/2012, the State Commission had directed:

"That the complaint is allowed on contest against OP Nos. 1 to 7 with cost of Rs.10,000/- to be paid by OP No.1/developer in favour of the complainants and dismissed against OP No.8 without any order as to costs.

The OP Nos. 1 & 2 are jointly and severally directed

to refund Rs.5,91,150/- alongwith interest thereon @ 18% p.a. in favour of the complainants from the date of receipt of the same till its full realization. The OP Nos. 1 & 2 are also directed to make payment of Rs.1,00,000/- as compensation and Rs. 50,000/- as penal damages to the complainants. All the payments must be made within 30 days from date, otherwise the amount of compensation and litigation cost shall carry interest @ 9% p.a. from this date till its realisation.

The OP Nos. 1 & 2 are also directed to deposit a sum of Rs.10,00,000/- Bank draft as penalty in the State Consumer Welfare Fund of this Commission within 60 days positively in default the amount shall carry an interest @ 9% p.a."

The appeal arising from the decision of the State Commission having been rejected by the National Commission, the present SLP has been preferred.

According to the record, 50% of the decretal sum alongwith interest appropriable to such 50% of the decretal sum already stands deposited in the Registry of the State Commission.

Issue notice confined to the direction regarding imposition of penalty in the sum of Rs.10 lakhs, subject to the petitioner depositing rest of the decretal sum in the Registry of the State Commission within three weeks from today. Let notice be returnable on 22.03.2021.

In the meanwhile, no coercive action shall be taken against the petitioner.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER