

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).11320-11329 OF 2018

JAIPRAKASH ASSOCIATE LTD. APPELLANT(S)

VERSUS

GAURAV GOYAL & ANR. ETC. ETC. RESPONDENT(S)

WITH

CIVIL APPEAL NO(S).1139-1228 OF 2019

O R D E R

1. Heard counsel for the parties.
2. The apprehension of the appellant-[M/s.Jaiprakash Associates Ltd., for short 'JAL'] that the observations made by the National Consumer Disputes Redressal Commission (for short, 'the Commission') in the impugned judgment may denude the appellant from pursuing its legitimate plea to resist the claim set up by the complainant(s), in our opinion, can be redressed by clarifying the position that the observations in the impugned judgment are for the limited purpose of deciding the preliminary objection taken by the appellant regarding the maintainability of the complaint before the Commission, in particular, against the appellant-JAL.

3. Indubitably, the discussion in the impugned judgment may have to be understood as only having considered the preliminary objection and not an expression of opinion on the merits of the pleas otherwise available to all the parties in the complaint. In other words, all contentions available to the respondent(s) in the complaint including on the relief of possession and refund against JAL will have to be adjudicated by the Commission on its own merits in accordance with law uninfluenced by the observations made in the impugned judgment.

4. We make it clear that Commission may examine "all" contentions available to "both sides" regarding the rights and obligations of the parties *inter se* on its own merits in accordance with law uninfluenced by any observation made in the impugned judgment.

6. We once again make it clear that the impugned order may not be construed as having given any direction to the respondents in the complaint. The Commission, however, may give appropriate directions in the final Judgment which obviously will be subject to the outcome of the

proceedings before the NCLT insofar as JIL is concerned and also subject to the outcome of proceedings against JAL before the NCLT.

7. The appeals and pending applications are disposed of accordingly.

....., J.
(A.M. KHANWILKAR)

....., J.
(AJAY RASTOGI)

NEW DELHI
APRIL 15, 2019

REVISED

ITEM NO.57

COURT NO.9

SECTION XVII

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

Civil Appeal No(s). 11320-11329/2018

JAIPRAKASH ASSOCIATE LTD.

Appellant(s)

VERSUS

GAURAV GOYAL & ANR.ETC.ETC.

Respondent(s)

(FOR ADMISSION and IA No.169332/2018-STAY APPLICATION and
IA No.169333/2018-EXEMPTION FROM FILING O.T.)

WITH

C.A. No. 12057/2018 (XVII)

(IA No.174131/2018-CONDONATION OF DELAY IN FILING and
IA No.174132/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

C.A. No. 1139-1228/2019 (XVII)

(FOR ADMISSION and IA No.16049/2019-STAY APPLICATION and
IA No.16050/2019-EXEMPTION FROM FILING O.T.)

Date : 15-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Dr. A.M. Singhvi, Sr. Adv.
Mr. Krishnan Venugopal, Sr. Adv.
Mr. Vishal Gupta, AOR
Mr. Sumeet Sharma, Adv.
Mr. Abhishek Raj, Adv.
Mr. Paras Choudhary, Adv.
Mr. Adishree Chakraorty, Adv.Mr. Krishnan Venugopal, Sr. Adv.
Mr. Vishal Gupta, AOR
Mr. Sumeet Sharma, Adv.
Mr. Abhishek Raj, Adv.
Mr. Paras Choudhary, Adv.
Mr. Adishree Chakraborty, Adv.Mr. Shekhar Naphade, Sr. Adv.
Ms. Madhusmita Bora, AOR

For Respondent(s)

Mr. Anand Grover, Sr. Adv.
Mr. Shashank Manish, AOR

Mr. Aditya Parolia, Adv.
Mr. Amit Kr. Mishra, Adv.
Mr. Piyush Singh, Adv.
Mr. Akshay SRivastava, Adv.
Mr. Shivam Pandey, Adv.
Mr. Samyak Gangwal, Adv.
Mr. A.K. Singla, Sr. Adv.

Mr. Krishnan Venugopal, Sr. Adv.
Mr. Vishal Gupta, AOR
Mr. Sumeet Sharma, Adv.
Mr. Abhishek Raj, Adv.
Mr. Paras Choudhary, Adv.
Mr. Adishree Chakraborty, Adv.

Mr. Niraj Gupta, AOR
Ms. Anshu, Adv.
Mr. Umair Ahmed Siddhiqui, Adv.

Ms. Ashna Abrol, Adv.
Ms. Shomila Bakshi, AOR

Ms. Urvi Kuthiala, Adv.
Ms. Vrinda Kapoor, Adv.
Dr. Sarvam Ritam Khare, Adv.
M/S. Ace Legal, AOR

Mr. Ravi Panwar, AOR
Mr. Urfee Haider, Adv.
Mr. Sonit, Adv.

Mr. P.K. Jain, AOR
Mr. Saurabh Jain, Adv.
Mr. P.K. Goswami, Adv.
Mr. S.P.Singh Rathore, Adv.
Mr. Ashok K. Sharma, Adv.
Mr. Uday Prakash Yadav, Adv.
Mr. Ali Zia Kabir Choudhary, Adv.
Mr. Shryansh Aggarwal, Adv.
Mr. Rajesh Goyal, Adv.
Mr. H. Arjun, Adv.

Mr. Aditya Paroli, Adv.
Mr. Piyush Singh, Adv.
Mr. Akshay Srivastava, Adv.
Mr. Gaurav Goel, AOR

Mr. Abhishek Attrey, Adv.
Mr. Shadman Ali, Adv.
Mr. Rupesh Tyagi, Adv.

Ms. Ruma Pathak, Adv.
Mr. S.N. Shukla, Adv.

Mr. Jugal Kishor Gupta, Adv.
Mr. Shushil Kumar Singh, Adv.

Mr. Rajat Navet, Adv.
Mr. Mukul Gupta, Adv.

Mr. M.A. Venkata Subramanian, Adv.
Mr. Rakesh K. Sharma, AOR

Mr. Debesh Panda, AOR
Mr. Neil Chatterjee, Adv.

Mr. Gautam Talukdar, AOR

Ms. Suman Kukrety, Adv.
Mr. V. Sudeer, adv.
Mr. M.B. Ramasubba Raju, Adv.
Ms. Megha Khanna, Adv.
Mr. Balaji Srinivasan, AOR

Mr. Sumant Batra, Adv.
Ms. Jannhvi Bhasin, Adv.

Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv.
Ms. Kriti Sondhi, Adv.

Mr. Sahil Sethi, Adv.
Mr. Shivam Sharma, Adv.
Mr. Satamita Ghosh, Adv.
Ms. Anukriti Pareek, AOR

Mr. Gopal Jha, AOR
Mr. Ashim Shirdher, Adv.
Mr. G.R. Pandey, Adv

Ms. M. Chaudhury, Adv.
Mr. Sarojanand Jha, Adv.
Ms. Abhilasha Singh, Adv.

Mr. Dushyant Parashar, AOR
Mr. P.K. Aggarwal, Adv.
Mr. Sanjay Aggarwal, Adv.

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

C.A. No.12057/2018

De-linked.

List the matter on 22nd April, 2019.

As prayed, counter affidavit may be filed in the meantime.

C.A. Nos.11320-11329/2018 and 1139-1228 OF 2019

The appeals and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)

ITEM NO.57

COURT NO.9

SECTION XVII

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). 11320-11329/2018

JAIPRAKASH ASSOCIATE LTD.

Appellant(s)

VERSUS

GAURAV GOYAL & ANR.ETC.ETC.

Respondent(s)

(FOR ADMISSION and IA No.169332/2018-STAY APPLICATION and
 IA No.169333/2018-EXEMPTION FROM FILING O.T.

WITH

C.A. No. 12057/2018 (XVII)

(IA No.174131/2018-CONDONATION OF DELAY IN FILING and
 IA No.174132/2018-EXEMPTION FROM FILING C/C OF THE IMPUGNED
 JUDGMENT)

C.A. No. 1139-1228/2019 (XVII)

(FOR ADMISSION and IA No.16049/2019-STAY APPLICATION and
 IA No.16050/2019-EXEMPTION FROM FILING O.T.)

Date : 15-04-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE AJAY RASTOGI

For Appellant(s)

Dr. A.M. Singhvi, Sr. Adv.
 Mr. Krishnan Venugopal, Sr. Adv.
 Mr. Vishal Gupta, AOR
 Mr. Sumeet Sharma, Adv.
 Mr. Abhishek Raj, Adv.
 Mr. Paras Choudhary, Adv.
 Mr. Adishree Chakraorty, Adv.

Mr. Krishnan Venugopal, Sr. Adv.
 Mr. Vishal Gupta, AOR
 Mr. Sumeet Sharma, Adv.
 Mr. Abhishek Raj, Adv.
 Mr. Paras Choudhary, Adv.
 Mr. Adishree Chakraborty, Adv.

Mr. Shekhar Naphade, Sr. Adv.
 Ms. Madhusmita Bora, AOR

For Respondent(s)

Mr. Anand Grover, Sr. Adv.
 Mr. Shashank Manish, AOR
 Mr. Aditya Parolia, Adv.
 Mr. Amit Kr. Mishra, Adv.

Mr. Piyush Singh, Adv.
Mr. Akshay SRivastava, Adv.
Mr. Shivam Pandey, Adv.
Mr. Samyak Gangwal, Adv.
Mr. A.K. Singla, Sr. Adv.

Mr. Krishnan Venugopal, Sr. Adv.
Mr. Vishal Gupta, AOR
Mr. Sumeet Sharma, Adv.
Mr. Abhishek Raj, Adv.
Mr. Paras Choudhary, Adv.
Mr. Adishree Chakraborty, Adv.

Mr. Niraj Gupta, AOR
Ms. Anshu, Adv.
Mr. Umair Ahmed Siddhiqui, Adv.

Ms. Ashna Abrol, Adv.
Ms. Shomila Bakshi, AOR

Ms. Urvi Kuthiala, Adv.
Ms. Vrinda Kapoor, Adv.
Dr. Sarvam Ritam Khare, Adv.
M/S. Ace Legal, AOR

Mr. Ravi Panwar, AOR
Mr. Urfee Haider, Adv.
Mr. Sonit, Adv.

Mr. P.K. Jain, AOR
Mr. Saurabh Jain, Adv.
Mr. P.K. Goswami, Adv.
Mr. S.P.Singh Rathore, Adv.
Mr. Ashok K. Sharma, Adv.
Mr. Uday Prakash Yadav, Adv.
Mr. Ali Zia Kabir Choudhary, Adv.
Mr. Shryansh Aggarwal, Adv.
Mr. Rajesh Goyal, Adv.
Mr. H. Arjun, Adv.

Mr. Aditya Paroli, Adv.
Mr. Piyush Singh, Adv.
Mr. Akshay Srivastava, Adv.
Mr. Gaurav Goel, AOR

Mr. Abhishek Attrey, Adv.
Mr. Shadman Ali, Adv.
Mr. Rupesh Tyagi, Adv.

Ms. Ruma Pathak, Adv.
Mr. S.N. Shukla, Adv.
Mr. Jugal Kishor Gupta, Adv.
Mr. Shushil Kumar Singh, Adv.

Mr. Rajat Navet, Adv.
Mr. Mukul Gupta, Adv.

Mr. M.A. Venkata Subramanian, Adv.
Mr. Rakesh K. Sharma, AOR

Mr. Debesh Panda, AOR
Mr. Neil Chatterjee, Adv.

Mr. Gautam Talukdar, AOR

Ms. Suman Kukrety, Adv.
Mr. V. Sudeer, adv.
Mr. M.B. Ramasubba Raju, Adv.
Ms. Megha Khanna, Adv.
Mr. Balaji Srinivasan, AOR

Mr. Sumant Batra, Adv.
Ms. Jannhvi Bhasin, Adv.

Mr. Braj Kishore Mishra, Adv.
Ms. Aparna Jha, Adv.
Mr. Abhishek Yadav, Adv.
Ms. Kriti Sondhi, Adv.

Mr. Sahil Sethi, Adv.
Mr. Shivam Sharma, Adv.
Mr. Satamita Ghosh, Adv.
Ms. Anukriti Pareek, AOR

Mr. Gopal Jha, AOR
Mr. Ashim Shirdher, Adv.
Mr. G.R. Pandey, Adv

Ms. M. Chaudhury, Adv.
Mr. Sarojanand Jha, Adv.
Ms. Abhilasha Singh, Adv.

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

C.A. No.12057/2018

De-linked.

List the matter on 22nd April, 2019.

As prayed, counter affidavit may be filed in
the meantime.

C.A. Nos.11320-11329/2018 and 1139-1228 OF 2019

The appeals and pending applications are disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)