

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

Civil Appeal Nos 1001-1002 of 2021

M/s BPTP Limited and Another

Appellants

Versus

Sanjay Rastogi

Respondent(s)

ORDER

- 1 These appeals arise from a judgment of the National Consumer Disputes Redressal Commission dated 18 June 2020 and the order passed in review on 19 January 2021. The NCDRC has directed the appellant as the developer to refund the consideration of Rs1,19,05,546 together with interest at the rate of 10% per annum to the respondent who is a flat buyer.
- 2 The decision of the NCDRC is based on pure findings of fact. Despite receiving an amount of Rs 1.19 crores from the respondent, the appellant put up a case that there was no flat buyer's agreement. This has been disbelieved. The appellant failed to deliver possession within the contractual period. There is no error in the findings on the basis of which a refund of consideration has been directed. However, in the alternative, it has been submitted by Mr Siddharth Bhatnagar, learned senior counsel that the rate of interest may be suitably scaled down having regard to the earlier decisions of this Court including the decision in ***IREO Grace Realtech Private***

Limited vs Abhishek Khanna and Others (2021) 3 SCC 241. Having regard to the rate of interest which has been fixed in other cases such as the present, we reduce the interest from 10% to 9% per annum. The appellant is, however, directed to ensure that full payment in compliance with the order of the NCDRC with interest at the rate of 9% per annum is paid over to the respondent on or before 15 July 2021.

3 Subject to the aforesaid modification, the appeals are disposed of.

4 Pending applications, if any, stand disposed of.

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

.....J.
[M R Shah]

New Delhi;
April 12, 2021
CKB

ITEM NO.8 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 Nos.1001-1002/2021

M/S BPTP LTD. & ANR.

Appellant(s)

VERSUS

SANJAY RASTOGI

Respondent(s)

(With appln.(s) for IA No.42508/2021-APPROPRIATE ORDERS/DIRECTIONS)

Date : 12-04-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) Mr. Siddharth Bhatnagar, Sr. Adv.
Mr. Kaushik Poddar, AOR

For Respondent(s) Mr. Aditya Parolia, Adv.
Mr. Piyush Singh, Adv.
Mr. Nithin Chandran, Adv.
Mr. Akshay Srivastava, Adv.
Ms. Aditi Sinha, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Gaurav Goel, AOR

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

- 1 The Civil Appeals are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)