

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2124-2125 OF 2024

CHAKIT SINGHAL & ORS.

Appellant(s)

VERSUS

JAIPRAKASH ASSOCIATES LTD & ORS.

Respondent(s)

O R D E R

1. These appeals are against the orders passed by the National Consumer Disputes Redressal Commission¹ on 19.10.2023 and 18.12.2023 allowing Interlocutory Application Nos. 3430 and 3431 of 2023 filed by the respondents herein and dismissing the Consumer Case No.2133 of 2016 filed by the appellants herein. The short facts leading to the filing of the present appeals are as under:

2. The appellants are the home buyers. The respondents commenced the launch of a super luxury residential Group Housing Project by the name of 'KASSIA' situated in SDZ, Sector-25, Yamuna Expressway Industrial Authority Area, District Gautam Budh Nagar, Uttar Pradesh (hereinafter referred to as the 'project'). Having booked their respective units the appellants realized that there is deficiency in the service provided by the respondents and thereafter approached the National Commission by filing Consumer Case No. 2133 of 2016.

3. During the pendency of the proceedings, the appellants came to know that respondents approached the High Court of Allahabad by

1 Hereinafter referred to as the 'National Commission'.

filing a Writ Petition challenging the cancellation of allotment by the authority. In order to protect their interests, the appellants filed an application for intervention before the High Court of Allahabad. The High Court by its order dated 08.02.2021 allowed the application for intervention.

4. The intervention of the appellants in the Writ Petition filed by the respondents led to the filing of Interlocutory Application Nos. 3430 and 3431 of 2023 before the National Commission praying for dismissal of the Consumer Case on the ground that the appellants had chosen or elected to seek 'alternative reliefs' from the High Court.

5. By order dated 19.10.2023, the National Commission directed the parties to furnish a list of the home buyers who have impleaded themselves before the High Court. After such information was furnished, the National Commission by its order dated 18.12.2023, allowed the Interlocutory Applications and dismissed the Consumer Case filed by the appellants, on the ground that they have chosen to participate in the writ proceedings.

6. It is against these two orders of the National Commission that the present appeals are filed before this Court.

7. Heard learned counsel for the parties.

8. We are of the opinion that the orders of the National Commission are unsustainable for the simple reason that Consumer Courts exercise jurisdiction *in addition to and not in derogation of other remedies available to the parties*². In any event, the jurisdiction of the High Court was invoked by the respondents and

2 Section 3, Consumer Protection Act, 1986.

not by the appellants. The respondents challenged the order of cancellation of allotment on the ground that the said order is illegal and arbitrary. The appellants had not claimed anything in the writ petition. It is also important to note that after the first order dated 19.10.2023, calling upon the appellants to furnish names of the home buyers who impleaded themselves in the writ proceedings, the appellants had in fact approached the High Court by filing an application seeking to withdraw from the writ proceedings. Even though this fact was brought to the notice of the National Commission, it ignored the same and proceeded to allow the Interlocutory Applications and dismissed the Consumer Case filed by the appellants.

9. Having considered the matter in detail we are of the opinion that the orders dated 19.10.2023 and 18.12.2023 are unsustainable. We hereby allow the appeals, set aside the orders passed by the National Commission on 19.10.2023 and 18.12.2023 and restore the Consumer Case No. 2133 of 2016 of the appellants to its original number.

10. The National Commission will now hear and dispose of the Consumer Case No. 2133 of 2016 on its own merits and dispose it of in accordance with law.

11. There shall be no order as to costs.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

NEW DELHI;
DECEMBER 04, 2024

ITEM NO.28

COURT NO.13

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

Civil Appeal No(s). 2124-2125/2024

CHAKIT SINGHAL & ORS.

Appellant(s)

VERSUS

JAIPRAKASH ASSOCIATES LTD & ORS.

Respondent(s)

IA No. 22498/2024 - STAY APPLICATION

Date : 04-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE MANOJ MISRA

For Appellant(s) Mr. Abhishek Kumar Singh, AOR
Mr. Abhinav Jaganathan, Adv.
Ms. Pallavi Singh, Adv.
Ms. Kritika Ranjan, Adv.
Ms. Anamika Yadav, Adv.

For Respondent(s) Mr. S. S. Shroff, AOR
Ms. Shally Bhasin, Adv.
Mr. Rohan Arora, Adv.
Mr. Chaitanya Safaya, Adv.
Mr. Prateek Gupta, Adv.
Mr. Prateek Yadav, Adv.
Ms. Rachna Dubey, Adv.

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

1. The Civil Appeals are allowed in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(Signed Order is placed on the file)