

ITEM NO.20 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
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).9594/2020

(Arising out of impugned final judgment and order dated 14-10-2019 in FA No. 1963/2019 passed by the National Consumer Disputes Redressal Commission, New Delhi)

M/S GLOBAL ASSOCIATES

Petitioner(s)

VERSUS

CDR. MUKESH ARJUNAN (RETD.) & ANR.

Respondent(s)

(FOR ADMISSION and IA No.77368/2020-EXEMPTION FROM FILING O.T. and IA No.77367/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 104948/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Nikhil Nayyar, Sr. Adv.
 Ms. Pritha Srikumar Iyer, AOR
 Ms. Neha Mathen, Adv.
 Mr. Naveen Hegde, Adv.

For Respondent(s) Ms. Tina Garg, AOR
 Mr. M.K. Ghosh, Adv.
 Mr. Rohit Dutta, Adv.

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

- 1 The Special Leave Petition arises from an order of the National Consumer Disputes Redressal Commission¹ dated 14 October 2019 in First Appeal No 1963 of 2019.

1 "NCDRC"

- 2 The State Consumer Disputes Redressal Commission², by an order dated 29 January 2019, issued the following directions:

“The complaint is hereby allowed with costs of Rs. 25,000/-. The Opposite Party is hereby directed to execute the sale deed in respect of the schedule apartment in favour complainant and also to handover the physical possession of the same along with Occupancy Certificate within a period of three months from the date of this order. The Opposite Party is also directed to pay interest at 12% p.a. for belated handing over of possession from September 2007, till the date of handing over the possession. If the Opposite Party fails to execute the sale deed within a period of three months from the date of this order, the complainant is at liberty to get the sale deed executed through Court Commissioner by filing necessary application before the Commission at the time of executing the order. It is also made clear that the Opposite Party is directed to pay the present rate of stamp duty as well as registration charges at the time of executing sale deed in favour of the complainant.”

- 3 The Special Leave Petition was entertained by this Court only on the point of interest. By an interim order dated 15 October 2020, the following directions were issued:

- “(i) Save and except for the direction in regard to the payment of compensation at the rate of 12% per annum, the order of the NCDRC dated 14 October 2019 is affirmed;
- (ii) The petitioner shall take all necessary steps to comply with the directions of the NCDRC in terms of (i) above;
- (iii) As regards the payment of compensation, presently the petitioner shall pay compensation computed at the rate of 6% per annum to the respondents;
- (iv) The payment of compensation in terms of the (iii) above shall be made on or before 16 November 2020; and
- (v) The stamp duty which has to be paid by the petitioner in pursuance of the impugned order shall, it is clarified, be the differential stamp duty, namely, the difference between the stamp duty as was payable on the date of the agreement and the present rate of stamp duty.”

- 4 Conditional on compliance with the above directions, the respondents were restrained from taking coercive steps till the next date of listing.
- 5 Mr Nikhil Nayyar, Senior Counsel, appears on behalf of the petitioner and Ms Tina Garg, Counsel, appears on behalf of the respondents.
- 6 On behalf of the petitioner, it has been submitted that the directions which were issued by this Court on 15 October 2020 have been complied with. This includes the payment of interest computed at the rate of six per cent per annum.
- 7 Having heard learned counsel, we are of the view that the ends of justice would be met if, in addition to the amount which has already been paid in terms of the above directions of this Court, an amount of Rs 8 lakhs is paid over to the respondents as and by way of a lump sum. The amount shall be paid to the respondents on or before 31 January 2022 by a demand draft or by electronic transfer at the option of the respondents. The respondents would be liable to pay maintenance charges for the flat with effect from the date on which actual physical possession has been handed over in pursuance of the registration of the agreement. In case any amount has been deducted prior to that date towards maintenance, it shall also be paid over with the balance.
- 8 The order of the NCDRC shall stand modified in the above terms.
- 9 The Special Leave Petition is accordingly disposed of.
- 10 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER