

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

Civil Appeal No 2815 of 2020

Deepak Aggarwal

Appellant(s)

Versus

Experion Developers Pvt Ltd

Respondent(s)

ORDER

1 Mr Chandrachur Bhattacharyya, learned counsel appearing on behalf of the appellant submits that in the proceedings before the National Consumer Disputes Redressal Commission, one of the points that was specifically raised was that though the area of the agreement for the sale of the flat was 3600 square feet, the builder had raised a demand in respect of a larger area of 3725 square feet. Learned counsel submits that though the point was specifically raised, it has not been dealt with in the impugned order of the NCDRC. Moreover, it has been submitted that on 26 August 2020, the NCDRC has quashed the demand of the developer in respect of the same project for excess area in Consumer Complaint Nos 285 and 286 of 2018. Since according to the learned counsel, a point which has been raised before the NCDRC has not been considered in the impugned judgment, we grant liberty to the appellant to move the NCDRC by way of a review.

- 2 We accordingly dispose of the appeal in terms of the above liberty. In the event that the appellant is aggrieved by the order of the NCDRC in review, we leave it open to the appellant to adopt the appropriate remedy in accordance with law, including on the grounds which are raised in the present proceedings.

- 3 Pending applications, if any, stand disposed of.

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

.....J.
[K M Joseph]

New Delhi;
August 28, 2020
CKB

ITEM NO.31

Court 4 (VC)

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.2815/2020

DEEPAK AGGARWAL

Appellant(s)

VERSUS

EXPERION DEVELOPERS PVT. LTD.

Respondent(s)

(With appln.(s) for filing affidavit and permission to file additional documents/facts/Annexures)

Date : 28-08-2020 These matters were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s) Mr. Chandrachur Bhattacharyya, Adv.
Mr. Sahil Tagotra, AOR

For Respondent(s)

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

- 1 The appeal is disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)