

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6044 OF 2015

M/s. Unitech Residential Resorts  
Limited

Appellant(s)

Versus

Atul Gupta and Another

Respondent(s)

WITH

CIVIL APPEAL NOS.6119-6148 OF 2015

CIVIL APPEAL NO.D 12512 OF 2016

O R D E R

Delay condoned.

In these appeals, there is no dispute that the respondents have already received the principal sum and the 14% interest. Mr. Pawan Shree Agarwal, Mr. K.K. Bhat and Mr. Brajesh Kumar, learned counsel appearing for the respondents and some of the respondents, who are appearing in-person, fairly stated that the appeals may be disposed of directing the appellant to pay some amount towards the mental agony and litigation costs.

Having heard learned counsel for the parties, we think it appropriate to direct the appellant to pay a sum of Rs.80,000/- (Rupees eighty thousand only) to each of the respondents to whom the principal amount along with interest has been paid, within a period of eight weeks from today. If

any amount is lying in deposit with the Registry of this Court after disbursement of the principal amount along with 14% interest, Mr. Abhimanyu Bhandari, learned counsel with the assistance of Mr. Pawan Shree Agarwal, can withdraw the same and prepare the drafts in the names of the respondents.

The respondents shall return the original documents along with 'No Objection Certificate' from the concerned bank/financial institution to the appellant within four weeks from today. Needless to say, the present order is passed in the special facts and circumstances of the case. Be it clarified, when we say 'in the special facts and circumstances of the case', the issues that were raised in these appeals are kept open. The amount of interest that has been granted should be treated as compensation because of the delay on the part of the appellant.

The applicants in the intervention or impleadment applications can take the benefit of the order that has been passed in S.L.P. (Crl.) Nos.5978-5979 of 2017 [*Sanjay Chandra vs. State of Govt. of NCT of Delhi*].

The appeals are, accordingly, disposed of. There shall be no order as to costs.

Civil Appeal No.2971/2016

Heard Mr. Abhimanyu Bhandari, learned counsel for the appellant and Mr. P.S. Patwalia, learned senior counsel for the respondents.

In the course of hearing, we have been apprised that the flat in question has already been delivered on 27<sup>th</sup> October, 2014 and the amount that was directed by the National Consumer Disputes Redressal Commission, New Delhi, (for short, 'the National Commission') has already been

deposited before the National Commission, out of which, 75% has been withdrawn by the respondents.

Regard being had to the facts and circumstances of the case in entirety, it is directed that the respondents shall be entitled to withdraw the balance amount that is lying in deposit before the National Commission. Barring this amount, nothing else shall be paid by the appellant.

At this juncture, Mr. Bhandari would submit that this direction may be restricted to the facts of this case. As we have not really deliberated on any of the contentions that have been advanced in the appeal, we think it appropriate that these directions rest on the facts of the case.

The appeal is, accordingly, disposed of. There shall be no order as to costs.

.....CJI.  
[Dipak Misra]

.....J.  
[Amitava Roy]

.....J.  
[A.M. Khanwilkar]

New Delhi  
September 20, 2017.

ITEM NO.3

COURT NO.1

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.6044/2015

M/S UNITECH RESIDENTIAL RESORTS LTD.

Appellant(s)

VERSUS

ATUL GUPTA & ANR.

Respondent(s)

(With appln.(s) for appropriate orders/directions)

WITH C.A. No. 2971/2016 (XVII)

(With appln.(s) for permission to file additional documents)

C.A. No.D 12512/2016 (XVII)

(With appln.(s) for c/delay in filing appeal)

C.A. No.5335/2016 (XVII)

(With appln.(s) for stay, exemption from filing O.T. and impleading party)

C.A. No.5336/2016 (XVII)

(With appln.(s) for stay and exemption from filing O.T.)

C.A. Nos.6119-6148/2015 (XVII)

Date : 20-09-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE AMITAVA ROY

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s)

Mr. Abhinav Agrawal, Adv.

Mr. Rajiv Kumar Virmani, Adv.

Mr. Gaurav Jain, Adv.

Mr. Atul Malhotra, Adv.

Mr. E. C. Agrawala, AOR

Mr. Sandeep Devashish Das, AOR

Mr. Sachin Datta, Sr. Adv.

Mr. Vijay Nair, Adv.

Mr. Manoranjan Sharma, Adv.

Mr. Jay Kishor Singh, AOR

Mr. Diptansu Jain, Adv.

Mr. Himanshu Shekhar, AOR

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.  
Ms. Nanda Devi Deka, Adv.  
Mr. Devesh Kumar Tripathi, AOR  
Mr. Gopal Singh, Adv.

Respondent-in-person

Mr. Ranjan Kumar Pandey, AOR

Mr. Mithilesh Kumar Singh, AOR  
Mrs. Manju Singh, Adv.  
Mr. Jaigop Bangarva, Adv.

Mr. M.L. Lahoty, Adv.  
Mr. Paban K. Sharma, Adv.  
Mr. Himanshu Shekhar, AOR  
Mr. Anchit Sripad, Adv.

Mr. Mannan Popli, Adv.  
Mr. Anup Jain, Adv.  
M/s Udit Kishan And Associates, AOR

Mr. Amit Kumar, AOR  
Mr. Shaurya Sahay, Adv.

Mr. Prakash Ranjan Nayak, AOR

Mr. Pashupathi Nath Razdan, AOR

Mr. Brajesh Kumar, AOR

Mr. Pawanshree Agrawal, AOR

Mr. Sonal Jain, AOR

Mr. Raghavendra S. Srivatsa, AOR

Mr. Shakun Sharma, AOR

Mr. Sanjay parikh, Adv.  
Mr. Pukhrambam Ramesh Kumar, AOR  
Mr. Uday Manaktala, Adv.

Mr. K. L. Janjani, AOR  
Mr. Pankaj Kumar Singh, Adv.

Mr. Abhinav Ramkrishna, AOR

Mr. Ashwarya Sinha, AOR

Mr. Nilofar Khan, AOR

Mr. Ashok K. Mahajan, AOR

Mr. Sarvam Ritam Khare, AOR

Mr. Rakhi Ray, AOR

Mr. Debasis Misra, AOR

Mr. E. C. Agrawala, AOR

Mr. K.K. Bhat, Adv.

Mr. C.B. Gururaj, Adv.

Mr. K.P. Singh, Adv.

Mr. Amit J., Adv.

Mr. Prakash Ranjan Nayak, Adv.

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

Civil Appeal Nos.6044/2015, Civil Appeal Nos.6119-6148/2015,  
Civil Appeal No.D 12512 OF 2016 & Civil Appeal No.2971/2016

Delay condoned.

The appeals are disposed of in terms of the signed order.

The interlocutory applications, if any, stand disposed of.

Civil Appeal Nos.5335/2016 and 5336/2016

Let this matter be listed on 1<sup>st</sup> December, 2017, to enable Mr. Sachin Datta, learned senior counsel appearing for the appellant to verify whether the applicants who have filed the intervention or impleadment applications are the flat buyers or not.

However, in the meantime, the appellant shall pay 10% interest as an interim measure to the respondents, who have been successful before the National Commission. An affidavit shall be filed ascertaining that the 10% interest has been paid.

Mr. Pawan Shree Agarwal, shall prepare a list of the home buyers who are represented through the counsel and give it to Mr. Dutta and shall also file a tabular chart with regard to the principal and interest @ 10%. Learned counsel appearing for the applicants in the intervention or impleadment applications shall supply the names of the flat buyer and the amount to Mr. Agarwal so that he can act as Amicus Curiae of the Court to assist in proper perspective.

(Chetan Kumar)

Court Master

(Signed order is placed on the file)

(H.S. Parasher)

Assistant Registrar