

18.10.2023
Sl. No.9(DL)
srm

C.O. No. 3768 of 2023
Sri Pranay Kumar Goswami & Anr.
Versus
Dream Presidency Twins & Ors.

Mr. Debjit Mukherjee,
Mr. Debdut Mukherjee,
Mr. Kaushim Banerjee,
Ms. Rashmita Sen

...for the Petitioners.

It appears from the order dated December 19, 2022 that the learned State Consumer Disputes Redressal Commission directed the complainants to pay a sum of Rs.5,32,101/- as the completion certificate had been obtained.

In my, *prima facie*, view, the order is totally contrary to the order passed in the complaint case being Complaint Case No.CC/373/2015.

Rather, in the judgment dated May 14, 2018, the opposite parties were directed to complete the construction of the flat allotted to the complainants, provide all facilities and other contractual obligations, obtain completion certificate and offer possession of the flat in question.

It further appears that the opposite parties were also directed to pay compensation in the form of compound

interest @ 18% per annum on and from April 1, 2013 till the date of obtaining completion certificate. Rs.10,000/- was allowed as litigation costs.

It also appears that the learned Commission had directed that if any amount was payable by the complainants the same should be adjusted from the compensation payable.

In my, *prima facie*, view no direction has been passed in the judgment which would compel the executing court to direct payment of an amount of Rs.5,32,101/-.

Stay of the execution case and the operation of the order up to May 31, 2024, or until further orders whichever is earlier.

A copy of the revisional application along with a server copy of this order be served upon the opposite parties as also upon the learned Advocate for the opposite parties in the learned Commission.

Affidavit-of-service to be filed on the next date.

Let this matter appear in the combined monthly list of January, 2024 under the heading "Urgent Motion".

(Shampa Sarkar, J.)