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C.A.No. 3417 OF 2003  
ITEM NO.102

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3417 of 2003

H.U.D.A Appellant (s)

VERSUS

Neelam Sharma Respondent(s)

Date: 18/08/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE G.P. MATHUR

For Appellant(s) Mr. Satinder S. Gulati, Adv.  
Dr. Kailash Chand, Adv.

For Respondent(s)  
Respondent-in-person (NP)

UPON hearing counsel the Court made the following

O R D E R

The Appeal is disposed of in terms of the signed order.  
There shall be no order as to costs.

Anita  
(Jasbir Singh)  
Court Master

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3417 of 2003

HARYANA URBAN DEVELOPMENT AUTHORITY

...  
Appellant (s)

Versus

NEELAM SHARMA

...  
Respondent(s)

O R D E R

Respondent who is appearing in person is absent even though served.

In this case the allotment was made on 29th August, 1991 but possession was not delivered. Therefore, the Respondent vide letter dated 7th October, 1996 surrendered the plot and asked for refund. As the amount was not paid, the Respondent filed a complaint with the District Forum. Pending that complaint, a sum of Rs. 84,047/- was refunded on 11th December, 1997. The District Forum held, in our view correctly, that where the fault was of the Appellants in not delivering possession they were bound to refund the entire amount without making any deduction.

The District Forum directed refund of the balance amount of Rs. 16,105/- along with interest thereon @ 18% from the date of deduction till repayment.

Both the Appellants and the Respondent went in appeal to the State Forum. The State Forum dismissed the Appeal of the Appellants. In the Appeal of the Respondent the State Forum directed payment of interest at 18% on all the amounts deposited till the date of refund of these amounts.

The Appellants then filed an Appeal to the National Consumer Disputes Redressal Commission which has been disposed of in terms of the Judgment in Darsh Kumar's case.

We have in our Judgment in the case of Ghaziabad Development Authority vs. Balbir Singh reported in (2004) 5 SCC 65 held that in case the amounts have to be refunded, the Interest Act would apply. In our view, in these matters as it is not possible for us to ascertain what was the prevailing rate of interest, we have been directing payment of interest @ 12% from the date the amounts were deposited till repayment.

We are told that interest @ 12% has been paid. We accept that statement. We direct that no further amount will be payable by the Appellants to the Respondent. The Appeal stands disposed of accordingly. There shall be no order as to costs.

.....J.

(S.N.Variava)

.....J.

(G.P.Mathur)

New Delhi,  
August 18, 2004.

ITEM NO.102

COURT NO.3

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).15362/2003

(From the judgment and order dated 03/09/2001 in RP No. 1424/2001 of National Consumer Disputes Redressal Commission, New Delhi)

H.U.D.A.

Petitioner(s)

VERSUS

VEENA YADAV

Respondent(s)

With appln(s) for c/delay in filing SLP

Date: 18/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)Mr. Satinder Singh Gulati, Adv.  
Dr. Kailash Chand,Adv.

For Respondent(s)Ms. Geeta Luthra, Adv.  
Mr. D.N. Goburdhan,Adv.

UPON hearing counsel the Court made the following

O R D E R

There is no proper explanation for the inordinate delay of 447 days in filing the Special Leave Petition. Application for condonation of delay is dismissed. Accordingly, the Special Leave Petition is dismissed.

(K.K. Chawla)  
Court Master

(Jasbir Singh)  
Court Master