

ITEM NO.1501

COURT NO.11

SECTION XVII-A

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(s). 2998/2010

THE MANAGING DIRECTOR
(SHRI GRISH BATRA) M/S. PADMINI
INFRASTRUCTURE DEVELOPERS (I) LTD.

Appellant(s)

VERSUS

THE GENERAL SECRETARY (SHRI AMOL
MAHAPATRA) ROYAL GARDEN RESIDENTS
WELFARE ASSOCIATION

Respondent(s)

WITH

C.A. No. 4085/2010 (XVII-A)

Date : 28-09-2021 These appeals were called on for pronouncement of Judgment today.

For Appellant(s) Mr. Rahul Sharma, Adv.
Mr. Hardeep Singh Anand, AOR
Mr. Iqram Govind Singh, Adv.For Respondent(s) Ms. Abha R. Sharma, AOR
Ms. Sujeeta Srivastava, Adv.

Hon'ble Mr. Justice V. Ramasubramanian pronounced the reportable Judgment of the Bench comprising Hon'ble Mr. Justice Hemant Gupta and His Lordship.

The operative portion of the Judgment is reproduced as under :-

"40. Thus, we find that the refusal of the National Commission to grant the reliefs mentioned in prayer clause nos.1, 7, 8, 9 and 10 warrant no interference. Therefore, the appeal of the complainant in CA No.4085 of 2010 is liable to be dismissed.

41. Accordingly the appeal of the consumer-complainant in C.A. No. 4085 of 2010 is dismissed.

The appeal of the builder-opposite party in C.A. No. 2998 of 2010 is partly allowed, modifying and substituting the judgment of the National Consumer Disputes Redressal Commission dated 05.01.2010 in Consumer Complaint No. 9 of 2007, to the following effect:

The complainant shall be entitled to all told monetary compensation in a sum of Rs. 60 lakhs, now lying in deposit with the Registry of this court, together with the interest accrued thereon, in lieu of the reliefs sought in prayer clauses 2, 3, 4, 5 and 6 of the complaint. The opposite party shall, within two weeks, remove all building material stored by them in the club house in the basement of Tower Eden and hand over possession of the club house to the complainant. The complaint shall stand dismissed in all other respects. No costs.

42. The parties are to bear their respective costs in these appeals. The Registry shall liquidate the fixed deposit standing to the credit of the above appeal and make payment of the proceeds to the complainant namely, Royal Garden Residents welfare Association. All interlocutory applications if any are closed.

Pending interlocutory application(s), if any, including the application for impleadment/intervention, is/are closed.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU BALA GAMBHIR)
COURT MASTER

(Signed reportable Judgment is placed on the file)