

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

Civil Appeal Nos 1800-1802 of 2021

Akash Vanijya Private Limited

Appellant(s)

Versus

Tanmoy Singha Roy and Others

Respondent(s)

ORDER

- 1 The grievance with which these appeals have been moved is that the National Consumer Disputes Redressal Commission had initially by an order dated 24 February 2020 restrained the appellant from creating any third party interest in respect of the flats which were constructed by it pursuant to development agreements with the owner-respondents. Thereafter, according to the appellant, a consent order was passed on 5 October 2020 by which the appellant was directed that the owners' share of allocated area together with flats/car parking spaces be handed over in accordance with the development agreements.
- 2 IA No 6646 of 2020 has been moved by the appellant before the NCDRC for orders to facilitate the process of handing over the owners' share to the respondents or, in the alternative, for the appointment of a receiver for that purpose.
- 3 The grievance of the appellant is that the proceedings have been adjourned on 26 November 2020, 25 January 2021 and 25 February 2021 and on the last of these dates, the proceedings were directed to be listed on 24 August

2021. Mr Sanjiv Sen, Senior counsel for the appellants submits that the appellant has agreements with more than one hundred home buyers; and the appellant is ready and willing to hand over the built-up constructed area in terms of the development agreements to the respondents. It has been submitted that unless requisite orders are passed on the above Interlocutory Application, the appellant would face serious consequences for non-compliance of the agreements with the home buyers.

- 4 Since the proceedings are pending before the NCDRC, we are not expressing any opinion on the merits of the submissions which have been urged before this Court. However, we are clearly of the view that it is necessary for the NCDRC to hear IA No 6646 of 2020 at an early date. We accordingly direct the NCDRC to take up the Interlocutory Application for hearing on 24 August 2021, when it is now listed for hearing and to ensure that a decision is rendered expeditiously on the Interlocutory Application moved by the appellant after hearing the requisite parties.
- 5 The appeals are accordingly disposed of.
- 6 Pending applications, if any, stand disposed of.

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

.....J.
[R Subhash Reddy]

.....J.
[S Ravindra Bhat]

New Delhi;
 June 30, 2021
 CKB

ITEM NO.14

Court 5 (Video Conferencing)

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSCivil Appeal Nos.1800-1802/2021

AKASH VANIJYA PRIVATE LIMITED

Appellant(s)

VERSUS

TANMOY SINGHA ROY & ORS.

Respondent(s)

(With appln.(s) for I.R. and IA No.64079/2021-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

Date : 30-06-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)

Mr. Sanjiv Sen, Sr. Adv.
Mr. Tavinder Sidhu, Adv.
Ms. Padma Priya, Adv.
Mr. Shreyansh Rathi, Adv.
M/s. M. V. Kini & Associates

For Respondent(s)

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

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

(CHETAN KUMAR)
A.R. - cum - P.S.(SAROJ KUMARI GAUR)
Court Master

(Signed order is placed on the file)