

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) NOS.17133-17134 OF 2013

PARSVNATH DEVELOPERS LTD. & ANR. ...Petitioner(s)

Versus

HARSOHIN KAUR & ANR. ...Respondent(s)

WITH

SPECIAL LEAVE PETITION(C) NO. 17783-17784 OF 2013

SPECIAL LEAVE PETITION(C) NO. 19155-19156 OF 2014

SPECIAL LEAVE PETITION(C) NO. 21005-21006 OF 2014

SPECIAL LEAVE PETITION(C) NO. 21039-21040 OF 2014

SPECIAL LEAVE PETITION(C) NO. 21042-21043 OF 2014

SPECIAL LEAVE PETITION(C) NO. 23712-23713 OF 2014

SPECIAL LEAVE PETITION(C) NO. 27531-27532 OF 2014

SPECIAL LEAVE PETITION(C) NO. 27565-27566 OF 2014

SPECIAL LEAVE PETITION(C) NO. 27567-27568 OF 2014

SPECIAL LEAVE PETITION(C) NO. 27784-27785 OF 2014

SPECIAL LEAVE PETITION(C) NO. 27787-27788 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27792-27793 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27946-27947 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27951-27952 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27953-27954 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30074-30075 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30477-30478 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30484-30485 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30488-30489 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30493-30494 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30496-30497 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31143-31144 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31155-31156 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31161-31162 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31164-31165 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31168-31169 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31171-31172 OF 2014

SPECIAL LEAVE PETITION (C) NO. 82-83 OF 2015

SPECIAL LEAVE PETITION (C) NO. 30504-30505 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27789-27790 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27948-27949 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27795-27796 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30502-30503 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31151-31152 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31193-31194 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31145-31146 OF 2014

SPECIAL LEAVE PETITION (C) NO. 31190-31191 OF 2014

CIVIL APPEAL NO. 9-10 OF 2015

SPECIAL LEAVE PETITION (C) NO. 27797-27798 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30940-30941 OF 2014

SPECIAL LEAVE PETITION (C) NO. 21002-21003 OF 2014

SPECIAL LEAVE PETITION (C) NO. 23708-23709 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27552-27553 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27569-27570 OF 2014

SPECIAL LEAVE PETITION (C) NO. 30499-30500 OF 2014

SPECIAL LEAVE PETITION (C) NO. 29476 OF 2014

SPECIAL LEAVE PETITION (C) NO. 20758-20759 OF 2014

SPECIAL LEAVE PETITION (C) NO. 27955-27956 OF 2014

SPECIAL LEAVE PETITION (C) NO. 2066-2067 OF 2015

SPECIAL LEAVE PETITION (C) NO. 1108-1109 OF 2015

SPECIAL LEAVE PETITION(C) NO. 1919-1920 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2468-2469 OF 2015

SPECIAL LEAVE PETITION(C) NO. 486-487 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2735-2736 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2520-2521 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2518-2519 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2492-2493 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2507-2508 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2497-2498 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2061-2062 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2524-2525 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2504-2505 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2500-2501 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2527 OF 2015

SPECIAL LEAVE PETITION(C) NO. 2058-2059 OF 2015

O R D E R

1. These special leave petitions and civil appeals are directed against the judgment(s) and order(s),

passed by the National Consumer Disputes Redressal Commission, Delhi (for short, "the Commission"), in Appeal No.269 of 2012, dated 05.03.2013, and in the Review Petition No.62 of 2015, dated 08.04.2013, along with other connected matters.

2. By the impugned judgment(s) and order(s) the Commission had sustained the orders passed by the State Consumer Disputes Redressal Commission, whereby the Developer and Chandigarh Housing Board, jointly and severally, have been directed to refund the amount deposited by the buyer along with interest as per Tripartite Agreement (for short, "the Agreement") between the parties, dated 25.08.2008.

3. At the time of the hearing of the special leave petitions and civil appeals, Shri Rakesh Dwivedi, learned senior counsel would fairly submit that the issue that requires to be considered by this Court at this stage, pertains to Clause 9(c) of the Agreement between the parties. According to the learned senior

counsel, the Developer-petitioner need not have to pay the compensation for non-delivery of the flats to the buyers after the expiry of Thirty Six months/extended period as provided under Clause 9(a) of the Agreement. The learned senior counsel would further submit that, at best, the respondent(s) would be entitled only for refund of the amounts deposited by them with interest, as envisaged in Clause 9(d) of the Agreement.

4. We have carefully perused Clauses 9(c) and 9(d) of the Agreement between the parties. In our view, Clause 9(d) pertains to refund with interest if, for any reason, the Developer is not in a position to offer the flat to the buyers after the expiry of Thirty Six months/extended period. A reading of Clause 9(c) would show that the said clause also envisages a payment of compensation to the buyer at a particular rate. This clause would be applicable against the developers only if they are not in a

position to offer flat to the buyer after the expiry of Thirty Six Months/extended period as stipulated under Clause 9(a) of the Agreement.

5. Therefore, in view of the above, we are of the considered opinion that the Commission has not committed any mistake.

6. Further, it would be pertinent to note that the Commission has observed that its order would be subject to the pending arbitration proceedings between the Developers and the Chandigarh Housing Board.

7. In this context, Shri Rakesh Dwivedi, learned senior counsel would state that in view of the award passed by the Arbitrator the period that is stipulated in the Agreement has been extended from 06.10.2006 to 05.02.2008. We are not inclined to enter into this controversy. If, for any reason, the respondent(s)/buyer(s) file any execution petition

for execution of the judgment(s) and order(s) passed by the Commission, the Developer is at liberty to take such objections based on award passed by the Arbitrator. If such objections are raised, it is for the executing Court to consider the same and pass appropriate orders in accordance with law.

8. In view of the above observations, these special leave petitions and civil appeals are disposed of.

Ordered accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[S.A. BOBDE]

.....J.
[ARUN MISHRA]

NEW DELHI,
APRIL 21, 2015.

ITEM NO.1

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

Petitions for Special Leave to Appeal (C) Nos. 17133-17134/2013

(Arising out of impugned final judgment and order dated
05/03/2013 in AN No. 269/2012, 08/04/2013 in RP No. 62/2013
passed by the National Consumers Disputes Reddresal
Commission, New Delhi)

PARSVNATH DEVELOPERS LTD. & ANR.

Petitioner(s)

VERSUS

HARSOHIN KAUR & ANR.

Respondent(s)

(With interim relief and office report)

WITH

SLP(C) No. 17783-17784/2013

(With Interim Relief and Office Report)

SLP(C) No. 19155-19156/2014

(With Office Report)

SLP(C) No. 21005-21006/2014

(With appln.(s) for c/delay in refiling SLP and Office Report)

SLP(C) No. 21039-21040/2014

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SLP(C) No. 23712-23713/2014

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SLP(C) No. 27531-27532/2014

(With appln.(s) for c/delay in refiling SLP and appln.(s) for
exemption from filing c/c of the impugned judgment and Office
Report)

SLP(C) No. 27565-27566/2014

(With Office Report)

SLP(C) No. 27567-27568/2014

(With appln.(s) for exemption from filing c/c of the impugned
judgment and Office Report)

SLP(C) No. 27784-27785/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

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SLP(C) No. 27953-27954/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for c/delay in refiling SLP and Office Report)

SLP(C) No. 30074-30075/2014

(With appln.(s) for directions and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 30477-30478/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and Interim Relief and Office Report)

SLP(C) No. 30484-30485/2014

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SLP(C) No. 31164-31165/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for c/delay in refiling SLP and Office Report)

SLP(C) No. 31168-31169/2014

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 31171-31172/2014

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 82-83/2015

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 30504-30505/2014

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SLP(C) No. 27789-27790/2014

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SLP(C) No. 31193-31194/2014

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SLP(C) No. 31145-31146/2014

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SLP(C) No. 31190-31191/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for c/delay in refiling SLP and Office Report)

C.A. No. 9-10/2015

(With appln.(s) for condonation of delay in filing appeal. and appln.(s) for c/delay in re-filing appeal and appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for ex-parte stay and Office Report)

SLP(C) No. 27797-27798/2014

(With appln.(s) for directions and Office Report)

SLP(C) No. 30940-30941/2014

(With appln.(s) for exemption from filing c/c of the impugned judgment and appln.(s) for c/delay in refiling SLP and Office Report)

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SLP(C) No. 29476/2014
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SLP(C) No. 20758-20759/2014
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SLP(C) No. 27955-27956/2014
(With Interim Relief and Office Report)

SLP(C) No. 2066-2067/2015
(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing official english translation and Interim Relief and Office Report)

SLP(C) No. 1108-1109/2015
(With Office Report)

SLP(C) No. 1919-1920/2015
(With appln.(s) for c/delay in refiling SLP and Interim Relief and Office Report)

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SLP(C) No. 2524-2525/2015

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 2504-2505/2015

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 2500-2501/2015

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing official english translation and Office Report)

SLP(C) No. 2527/2015

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

SLP(C) No. 2058-2059/2015

(With appln.(s) for c/delay in refiling SLP and appln.(s) for exemption from filing c/c of the impugned judgment and Office Report)

Date : 21/04/2015 These petitions/appeals were called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Vijay Nair, Adv.
Mr. Manoranjan Sharma, Adv.
Ms. Minakshi Jyoti, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Subramonium Prasad, Adv.

For Respondent(s) Mr. Rajiv Ranjan Dwivedi, Adv.

Mr. G.S. Chahal, Adv.
Mr. R.C. Kaushik, Adv.

Mrs. Rachana Joshi Issar, Adv.
Ms. Ambreen Rasool, Adv.
Mr. Akhil Bansal, Adv.

Ms. Priya Puri, Adv.
Mr. Shiv Chopra, Adv.
Mr. Ranjay Kr. Dubey, Adv.

Mr. Chandra Prakash, Adv.

Dr. Kailash Chand, Adv.

Mr. Simon Benjamin, Adv.
Mr. Govind Manoharan, Adv.
Mr. Senthil Jagadeesan, Adv.

Ms. Manjeet Kirpal, Adv.

Mr. V.M. Vishnu, Adv.
Mr. R.C. Kohli, Adv.

Mr. Anil Nauriya, Adv.
Ms. Sumita Hazarika, Adv.

Mr. Shubham Bhalla, Adv.
Mr. Vijay Kumar Dwivedi, Adv.
Mr. Ritesh Khatri, Adv.

Mr. Vipin Gogia, Adv.
Ms. Jaspsreet Gogia, Adv.

Mr. Manoj Swarup, Adv.
Mr. Mukul Kumar, Adv.

Mr. Sandeep Kapur, Adv.
Mr. Vivek Suri, Adv.
Ms. Manik Karanjawala, Adv.
Mr. Karan Kumar Gogna, Adv.
for M/s. Karanjawala & Co., Adv.

Dr. Sushil Balwada, Adv.

Mr. Rabin Majumdar, Adv.

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

Delay condoned.

The special leave petitions and the civil
appeals are disposed of in terms of the signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]