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SLP(C)No. 19350 OF 2004
ITEM No.5

Court No. 5

SECTION XVII
A/N MATTER

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.19350/2004

(From the judgement and order dated 30/10/2003 in RP 2751/2002
of The NATIONAL CONSUMERS DISPUTES REDDRESSAL COMMISSION, NEW DELHI)

LUCKNOW DEVELOPMENT AUTHORITY.

Petitioner (s)

VERSUS

SHANTI GUPTA

Respondent (s)

(With Appln(s). for permission to place addl. documents on record)
(With prayer for interim relief)

Date : 05/01/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Anuvrat Sharma, Adv.
Mr. Sanjay Kumar Singh, Adv.
Mr. M.P. Shorawala,Adv.

For sole Respondent Mr. Anil Shrivastav,Adv.

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

Leave granted.

Heard parties.

The Appeal is disposed of in terms of the signed order.

Anita

(Jasbir Singh)
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 86 OF 2005
(Arising out of S.L.P.(Civil) No. 19350 of 2004)

Lucknow Development Authority

...
Appellant

Versus

Shanti Gupta

...

Respondent

O R D E R

Leave granted.

Heard parties.

In view of the Judgment of this Court in the case of Ghaziabad Development Authority vs. Balbir Singh reported in 2004 5 SCC 65, in our view interest could only be @ 12% p.a. Accordingly, we vary the impugned Judgment by directing that interest on the amount to be refunded shall be @ 12% p.a. from the date the amounts were paid till they are refunded. We clarify that the costs awarded shall also be payable.

The Appeal stands disposed of accordingly.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,
January 05, 2005.