

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

I.A. NO. 5 IN CIVIL APPEAL NO(s). 6115-6116 OF 2009

PRIYA POOJA DEVELOPERS & ORS.

Appellant (s)

VERSUS

RAJIV RADHEY SHYAM AGARWAL & ORS.
(With office report)

Respondent(s)

Date: 15/04/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)/	Mr. C Mukund, Adv.
Non-applicant(s)	Mr. Avneesh Garg, Adv.
	Mr. P.V. Saravana Raja, Adv.
	Ms. F Qutub Wani, Adv.
	Mr. Bijoy Kumar Jain, Adv.

For Respondent(s)/	Mr. S.N. Tripathi, Adv.
rr.1-applicant(s)	Mr. Balraj Dewan, Adv.

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

By this application, respondent No. 1 seeks permission to dispose of Bungalow No. 11 (Tupe A) In Virajman Bungalow Scheme at Village Dhaniv, Taluka Vasai, Distt. Thane, Maharashtra. In the application, it is stated that the applicant is prepared to deposit a sum of Rs. 3 lakhs with the State Consumer Commission, Maharashtra, the amount of compensation received by him pursuant to the State Commission's order dated 15th April, 1999.

..2/-

: 2 :

Learned counsel appearing for the appellant/non-applicant submits that he has no objection to the permission being granted, provided the applicant is also directed to deposit some amount towards interest on the said amount of compensation.

We are of the view that since the entire issue with regard to award of compensation to the applicant is yet to be adjudicated upon, it will not be fair to direct him to deposit interest on the said amount.

Accordingly, the application is allowed and it is directed that on applicant's depositing with the State Consumer Commission, Maharashtra, an amount of Rs. 3 lakhs within two weeks from today, he would be permitted to dispose of the afore-mentioned bungalow. It will be open the State Consumer Commission to deposit the amount in an interest bearing fixed deposit.

The application stands disposed of accordingly.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master