

ITEM NO.15

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
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 12832-12833/2015

(Arising out of impugned final judgment and order dated 02-12-2014 in RP No. 2048/2014 & 17-02-2015 in RA No. 26/2015 in RP No. 2048/2014 passed by the National Consumer Disputes Redressal Commission, New Delhi)

GULAB S DHANWADE

PETITIONER(S)

VERSUS

OM KHEMRAJ GAHLOT.

RESPONDENT(S)

(IA No. 37708/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 13804-13805/2015 (XVII-A)

Date : 23-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Prashant Kenjale, Adv.
Mr. Rakesh K. Sharma, AOR

For Respondent(s)
Mr. Wajeesh Shafiq, AOR
Mr. K.P. Sunder Rao, Adv.
Mr. Sanjeev Kumar, Adv.

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

The present petitions have been filed by the consumers assailing the orders passed by the National Consumer Disputes

Redressal Commission, New Delhi, impugned dated 02.12.2014 and 17.02.2015.

This Court, while issuing notice on 01.05.2015, recorded the submission of the petitioner that he needs possession of the subject flats in question and despite the money being deposited, because of some inter se disputes, possession was not delivered.

After the matters being heard, this Court passed a detailed order on 11.07.2022, which is extracted hereinbelow:

"SLP(C) No(s). 12832-12833/2015

It is not disputed that Flat No. B-103(338 sq. ft.) was booked by the petitioner on 06.03.2001 and the entire sum was deposited in terms of the agreement in the year 2003. The carpet area of the flat as per Commissioner's report is 339.37 sq. ft. which is one square feet more than the measurement recorded in the agreement entered into between the parties.

Before we proceed with the matter any further, let the respondent shall handover the vacant possession of the Flat No. B103 to the petitioner after restoring the electricity and water connection within a period of four weeks from today as agreed upon. Rest of the grievance shall be considered in the next date of hearing. List the matter on 23.08.2022.

SLP(C) No. 13804-13805/2015

The dispute is in reference to Flat No. B-302 measuring 340 sq. ft booked by the petitioner by executing an agreement. It is not disputed that against a sum of Rs. 4,60,000/-,

Rs. 4,50,000/- was paid by the petitioner. The dispute, inter alia, at present is that who is in possession out of the litigating parties.

Learned counsel for the petitioner, on instructions, informs that the petitioner is not in possession. Learned counsel for the respondent submits that the possession was handed over to the petitioner and he has made certain developments/improvements in the flat in question.

Looking to the disputed question in reference to the said flat that who is in possession out of the litigating parties, this Court deems it appropriate to grant permission to the respondent to put his own keys on the flat in question and report to this Court on the next date of hearing.

List the matter on 23.08.2022. "

After we have heard the learned Counsel for the parties, consider it appropriate to dispose of the matters with a direction that the petitioner may take physical possession of the subject flat(B-103) and the petitioner herein may move an application before the concerned authority of the Electricity Department for obtaining electricity connection and the concerned electricity authority shall not insist on NOC of the Society for the purpose of release of electricity connection, although all ancillary charges which are required to be deposited for obtaining the electricity connection be complied with by the petitioner after doing the needful the authority of the Electricity Department shall release electricity connection without insisting upon the NOC of the

Society within a period of fifteen days of filing of application and after making necessary compliance and all other formalities etc.

Learned Counsel for the respondent submits that in reference to Flat No. B-302 the sum of Rs.4,60,000/- which was to be deposited by the home buyer/petitioner, Rs.10,000/- is yet to be deposited.

After such a long litigation, the matter could not be kept pending for such a seminal amount and we consider it appropriate that what has been deposited by the petitioner be considered as full and final payment towards the terms of agreement in reference to the Flat No. B-302.

So far as the Flat no. B-302 is concerned, we consider it appropriate to observe and direct the respondent to hand over the keys of the said flat to the learned Counsel for the petitioner and the petitioner is at liberty to take all further necessary steps for release of electricity connection and comply with all other formalities and if such an application is filed by the petitioner for release of electricity connection in reference to Flat no. B-302, the authorities concerned of the Electricity Department shall not insist upon the NOC of the Society and release the electricity connection within a period of fifteen days of filing of the application and after making necessary compliance of all other formalities etc., if any.

The order of the Commission impugned dated 02.12.2014 stands modified accordingly.

The Special Leave Petitions are disposed of in the above

terms.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
COURT MASTER (SH)

(MONIKA DEY)
COURT MASTER (NSH)