

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6976 OF 2015

Mr. K. Umapathi *alias* Umapathi
K. Reddy and Another

Appellant(s)

Versus

M/s. Adarsh Developers and Others

Respondent(s)

O R D E R

I.A. No.3 of 2016

This is an application for impleadment made on behalf of Sanjay Vitthalrao Shinde. Prayer stands allowed. I.A. No.3 of 2016 is, accordingly, disposed of.

Civil Appeal No.6976 of 2015

In this civil appeal, the legal propriety of the order dated 21st January, 2015, passed by the National Consumer Disputes Redressal Commission, New Delhi (for short, 'the National Commission') is called in question. The appellant had approached the National Commission claiming damages on the ground that there had been deficiency of service. The National Commission, as the impugned order would reflect, has declined to entertain the

complaint on the ground that there was a commercial transaction and, therefore, the *lis* before the National Commission was not maintainable.

Ordinarily, we would have addressed to the controversy that has been decided by the National Commission, but Mr. Ratnakar Dash, learned senior counsel appearing for the appellant, being assisted by Mr. D.K. Thakur, learned counsel, has submitted that he would like to enter into a settlement with respondents. On the earlier occasion when the matter was listed, we had noted the submission of the learned counsel for the parties, which pertain to the area of settlement. However, in the meantime, an application for impleadment came to be filed at the instance of the subsequent contractee, who has entered into an agreement with the appellant. We have allowed the application for impleadment. Despite the tripartite contest, we suggested the learned counsel for the parties to settle the matter and, after obtaining due instructions, they have agreed for a settlement.

Having heard Mr. Ratnakar Dash, learned senior counsel for the appellant, Mr. Amit S. Chadha, learned senior counsel for the respondents and Mr. Sanjay R. Hegde, learned senior counsel appearing for the intervenor, Sanjay Vitthalrao Shinde, and keeping in view the concession given before us, we dispose of the appeal on the following terms:-

(a) The appellant shall sell the property to the intervenor at the government rate/circle rate, prevalent as on today, and the registration to that effect shall take place within eight weeks hence.

(b) As the intervenor is in possession, he shall continue to remain in possession and after the sale deed is executed, he shall reap the benefits as per law.

(c) M/s. Adarsh Developers shall be returned a sum of Rs.35 lacs (Rupees thirty-five lacs) by the intervenor, Sanjay Vitthalrao Shinde, within twelve weeks from today by way of a bank draft drawn on a nationalized bank. Needless to say, the said amount shall be paid on behalf of the appellant and at the time of registration, the said amount shall be deducted from the consideration amount.

(d) All the litigations pending between the parties before any court shall be deemed to have been disposed of.

The appeal is disposed of accordingly. There shall be no order as to costs.

.....J.
(Dipak Misra)

.....J.
(N.V. Ramana)

New Delhi;
January 19, 2016.

ITEM NO.2

COURT NO.4

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

Civil Appeal No.6976/2015

K. UMAPATHI ALIAS UMAPATHI K. REDDY AND ANR

Appellant(s)

VERSUS

M/S ADARSH DEVELOPERS AND ORS.

Respondent(s)

(With office report)

Date : 19/01/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s) Mr. Ratnakar Dash, Sr. Adv.
Mr. D.K. Thakur, Adv.
Mr. D. Jha, Adv.
Mr. Lalan Chowdhry, Adv.
Mr. Sushil Kumar, Adv.
Mr. Nitin Kumar Thakur, AOR

For Respondent(s) Mr. Amit S. Chadha, Sr. Adv.
Ms. Srishti Govil, Adv.
Mr. Balaji Srinivasan, AOR
Mr. Dilpreet Singh, Adv.
Ms. Vaishnavi Subrahmanyam, Adv.
Mr. Mayank Kshirsagar, Adv.
Ms. Pratiksha Mishra, Adv.

Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Ashok Bannidinni, Adv.
Mr. Nitin R. Kalshetti, Adv.
Mr. Purushottam Sharma Tripathi, AOR

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

I.A. No.3 of 2016 for impleadment is disposed of.

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

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)