

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No _____ of 2020
(D No 10325 of 2020)**

M/s Marvel Omega Builders Pvt Ltd and Anr

...Appellant(s)

Versus

Morzaria Products LLP

...Respondent(s)

O R D E R

1 Delay condoned.

2 We have heard Ms Bharti Tyagi, the Advocate-on-record on merits.

3 The order for refund of consideration with interest has been correctly passed by the National Consumer Disputes Redressal Commission¹. The appellant by its communication dated 4 August 2015 had agreed to refund the consideration on the termination of the agreement and in fact refunded an amount of Rs 1 crore, leaving a balance of Rs 4.76 crores. Ms Tyagi urged that clause 7.4.2 of the agreement provided for refund only after the flat is sold. We are in agreement with the view of the NCDRC that clause 7.4.2 has to be construed reasonably. Though five years have elapsed, the consideration has not been refunded. We find no reason to interfere with the order of the NCDRC dated 17 January 2020 in Consumer Case No 598 of 2017.

3 The Civil Appeal is accordingly dismissed.

1 NCDRC

4 Pending applications stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indira Banerjee]

**New Delhi;
October 01, 2020**

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ITEM NO.4 Court 4 (Video Conferencing) 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

CIVIL APPEAL Diary No(s). 10325/2020

M/S MARVEL OMEGA BUILDERS PVT. LTD. & ANR. Petitioner(s)

VERSUS

MORZARIA PRODUCTS LLP Respondent(s)

(WITH IA No.92094/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.92093/2020-STAY APPLICATION and IA No.92092/2020-CONDONATION OF DELAY IN FILING APPEAL)

Date : 01-10-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Ms. Bharti Tyagi, AOR

For Respondent(s)

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

- 1 Delay condoned.
- 2 The Civil Appeal is dismissed in terms of the signed order.
- 3 Pending applications, if any, stand disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)