

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**FIRST APPEAL NO. 925 OF 2021**

(Against the Order dated 31/10/2019 in Complaint No. 145/2018 of the State Commission Rajasthan)

1. SAHARA CITY HOMES MARKETING & SALES  
CORPORATION (SAHARA PRIME CITY LTD.) & ANR.  
SAHARA PRIME CITY LTD, AUTHORIZED REP. OPP  
RADHA SWAMI SATSANG VYAS . VILLAGE BILWA TONK  
ROAD  
JAIPUR 302022

2. SAHARA ITY HOMES MARKETING AND SALES  
SAHARA PRIME CITY LTD, THROUGH AUTHORISED REP.  
SAHARA INDIA CENTER, 2 KAPOORTHALA COMPLEX  
ALIGANJ  
LUCKNOW  
UTTAR PRADESH 226024

.....Appellant(s)

Versus

1. PRATAP SINGH SHEKHAWAT  
S/O. SHRI LAL SINGH SHEKHAWAT, R/O. PHOOL SINGH JI  
HAWELI, VILLAGE AND POST BADHOLIL VIA SARAI,  
SOORPUR  
JHUNJHUNU  
RAJASTHAN

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. JUSTICE KARUNA NAND BAJPAYEE, PRESIDING MEMBER**

**For the Appellant :** Ms. Neha Gupta, Advocate

**For the Respondent :** Mr. Sushil Kaushik, Advocate with  
Mr. Himanshi Singh, Advocate  
Respondent present in person

**Dated : 10 Jan 2023**

**ORDER**

1. This appeal has been filed under section 51 of The Consumer Protection Act, 2019 in challenge to the Order dated 31.10.2019 of the State Commission in complaint no. 145 of 2018.
2. Heard the learned counsel for the appellants (the 'builder co.')
- and the learned counsel for the respondent (the 'complainant'). Perused the record.
3. The matter pertains to a builder-buyer dispute.

The award made by the State Commission vide its impugned Order dated 31.10.2019 is reproduced below for reference:

In view of the above, the complaint is allowed and the complainant is entitled to get Rs. 16,98,835/- alongwith 15% interest from the date of each deposit. The complainant is further entitled to get Rs. 2 lakhs

as compensation for mental agony and Rs. 50,000/- as cost of proceedings which should be paid to the complainant within one month otherwise it will carry 9% interest from the date of the order.

4. Learned counsel for the builder co. submits, on instructions, that the builder co. is willing to refund the amount of Rs. 16,98,835/- deposited by the complainant with interest at the rate of 10.5% per annum from the respective dates of deposit till actual realisation along with lumpsum compensation of Rs. 2,00,000/- and cost of litigation of Rs. 50,000/-.

5. Learned counsel for the complainant submits, on instructions, that the afore terms are acceptable to the complainant, provided the compliance in its entirety is made within six weeks from today and in case of default the amount of Rs. 16,98,835/- deposited by the complainant may carry interest at the rate of 12% per annum in place of 10.5% per annum. The complainant present in person confirms.

6. Learned counsel for the builder co. submits, on instructions, that the award as suggested herein will be complied with in its entirety within six weeks from today.

7. In the wake of the above submissions, the appeal is disposed of with the following directions:

The award made by the State Commission is modified to the extent that the builder co. shall refund the amount of Rs. 16,98,835/- deposited by the complainant with interest at the rate of 10.5% per annum from the respective dates of deposit till actual realisation along with Rs. 2,00,000/- as lumpsum compensation and Rs. 50,000/- as cost of litigation.

The entire payment shall be made good within six weeks from today, failing which the amount of Rs. 16,98,835/- deposited by the complainant shall carry interest at the rate of 12% per annum in place of 10.5% per annum.

8. This Order has been made on consent. As such the decision in this case shall not be treated as a precedent.

9. The Registry is requested to send a copy each of this Order to the parties in the appeal and to their learned counsel as well as to the State Commission immediately. The stenographer is requested to upload this Order on the website of this Commission immediately.

*'Dasti'*, in addition, to both sides.

.....J  
**KARUNA NAND BAJPAYEE**  
**PRESIDING MEMBER**