

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**FIRST APPEAL NO. 1024 OF 2019**

(Against the Order dated 29/03/2019 in Complaint No. 684/2013 of the State Commission Delhi)

1. M/S. TANEJA DEVELOPERS & INFRASTRUCTURE LTD.  
10 SHAHEED BHAGAT SINGH MARG NEAR GOLE  
MARKET  
NEW DELHI 1

.....Appellant(s)

Versus

1. RAJ DULARI BANSAL  
W/O. SH. JAGDISH BANSAL AE 110, SHALIMAR BAGH  
DELHI 110088

.....Respondent(s)

**BEFORE:**

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

**For the Appellant :** Ms. Yashodhara Gupta, Proxy Advocate for  
Ms. Kanika Agnihotri, Advocate

**For the Respondent :** Mr. Vikrant Mittal, Advocate with  
Mr. Anubhav Bansal, Auth. Rep.

**Dated : 11 Jan 2023**

**ORDER**

1. This appeal has been filed under section 19 of The Consumer Protection Act, 1986 in challenge to the Order dated 29.03.2019 of the State Commission in complaint no. 684 of 2013.

2. Ms. Yashodhara Gupta, learned advocate appears as proxy counsel for the appellant (the 'builder co.'). She makes her submissions on instructions.

Mr. Vikrant Mittal, learned advocate appears as counsel for the respondent (the 'complainant').

3. We have heard the learned proxy counsel for the builder co. and the learned counsel for the complainant and have perused the record.

4. The matter pertains to a builder-buyer dispute.

The award made by the State Commission vide its impugned Order of 29.03.2019 is reproduced below for reference:

21. In view of above discussion, we allow the complaint and direct the OP to refund to complainant amount of Rs. 34,03,336/- with interest @10% p.a. from the date of each payment till payment. OP shall pay Rs. 25,000/- towards cost of litigation to complainant.

5. Learned proxy counsel for the builder co. submits, on instructions, that the entire deposited amount of Rs. 34,03,336/- has been refunded by the builder co. to the complainant by 03.12.2019. She also submits, on

instructions, that the builder co. is willing to pay interest at the rate of 10% per annum on the said amount of Rs. 34,03,336/- for the period from 17.04.2008 to 03.12.2019. She further submits that the balance amount, after adjustment of the amount already paid, will be made good within six weeks from today.

Learned counsel also requests that this case may not be treated as a precedent.

5. Learned counsel for the complainant confirms, on instructions, the receipt of the amount of Rs. 34,03,336/- by 03.12.2019. He further submits, on instructions, that the terms being offered by the builder co. are acceptable to the complainant. Authorised representative of the complainant, present in person, endorses the submissions made by the learned counsel.

6. 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. 34,03,336/- deposited by the complainant with interest at the rate of 10% per annum for the period from 17.04.2008 to 03.12.2019 along with cost of litigation of Rs. 25,000/-. The amount already paid shall be adjusted therein. The residual amount, after adjustment of the amount already paid, shall be made good within six weeks from today, failing which the State Commission shall undertake execution, for '*enforcement*' and for '*penalty*', as per the law.

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.

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