

ITEM NO.27

COURT NO.3

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No.247/2021 in C.A. Nos.1873-1878/2020

SWAROOP S PRAKASH & ORS.

Petitioner(s)

VERSUS

**MR. AVINASH PRABHU, MANAGING DIRECTOR,
M/S SKYLINE CONSTRUCTION AND HOUSING PVT
LTD. & ANR.**

Respondent(s)

Date : 18-08-2022 This petition was called on for hearing today.

CORAM :

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA**

**For Petitioner(s) Mr. Sahil Sethi, Adv.
 Ms. Anukriti Pareek, AOR**

**For Respondent(s) Mr. Ratan K. Singh, Sr. Adv.
 Mr. Rajeev Gurung, Adv.
 Mr. Rajiv Shankar Dvivedi, AOR
 Ms. Harshita Sinha, Adv.
 Ms. Snigdha Singh, Adv.**

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

- 1 By the order of this Court dated 4 May 2022, the statement of the developer was recorded to the effect that in terms of the order of the National Consumer Disputes Redressal Commission refund would be effected to 18

home buyers together with simple interest at the rate of 10% per annum on or before 12 July 2022. The order has not been complied with. The above order was passed in the exercise of the contempt jurisdiction. The respondents have compounded the contempt of the original order by failing to abide by the order dated 4 May 2022.

- 2 At this stage, Mr Sahil Sethi, counsel appearing on behalf of the petitioners states that the two remaining home buyers, who are now before the Court in the present batch also seek a refund on the same terms as the order dated 4 May 2022 in lieu of possession.
- 3 Mr Ratan K Singh, senior counsel appearing on behalf of the developer, states that there was some genuine difficulty and a final opportunity may be granted to the developers to comply with the order dated 4 May 2022. Senior counsel also states that a refund shall be granted to the remaining two petitioners, namely, Vidya Rani and Vijay Kestur on the same terms, that is to say, refund together with interest at the rate of 10% per annum.
- 4 In order to give a final opportunity to the respondents to comply with the order dated 4 May 2022, we direct that the proceedings be listed before this Court on 19 September 2022. Compliance in the above terms shall positively be effected before the next date.
- 5 The respondents, including the Managing Director of the company shall remain personally present before this Court on the next date of hearing. They

are placed on notice that if they fail to abide by the directions of the Court, the Court would be constrained to take coercive steps against them, if necessary, by an order of conviction and sentence for contempt of court.

- 6 List the Contempt Petition on 19 September 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master