

ITEM NO.53

COURT NO.2

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. No. 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)**

(FOR ADMISSION)

Date : 19-09-2022 This petition was called on for hearing today.

**CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE HIMA KOHLI**

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

**For Respondent(s) Mr. Ratan K. Singh, Sr. Adv.
Mr. Rajiv Shankar Dvivedi, AOR
Mr. Rajiv Gurang, Adv.
Mr. Sushant Sarkar, Adv.**

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

- 1 Despite the orders of this Court dated 4 May 2022 and 18 August 2022, no compliance has been effected by the contemnors. The order dated 4 May 2022 was passed in the exercise of the contempt jurisdiction. Even thereafter, there has been non-compliance with the order dated 18 August 2022. No refund has been made to the flat buyers. A case of willful disobedience and hence, of contempt is established.
- 2 Mr Ratan K Singh, senior counsel appearing on behalf of the contemnors, states that out of nineteen flat buyers, refund has been made to one flat buyer. Counsel states that the developers are ready and willing to pay to eight of the flat buyers if they execute deeds of assignment in favour of the assignees.

- 3 Such a plea cannot be accepted. It is only one more effort to delay payment.
- 4 Before proceeding to convict and sentence the contemnors, we have given a final opportunity to them to rectify the breach of the orders of this Court.
- 5 Mr Ratan K Singh, on the instructions of Mr Avinash Prabhu and Mr Dhiraj Prabhu, who are present in the Court, states that 50% of the amounts which are due in terms of the orders of this Court, inclusive of interest, shall be paid to the flat buyers before 26 September 2022 and for the balance a period of one month may be allowed.
- 6 In order to demonstrate compliance by payment of 50% of the sums due inclusive of interest, the contempt proceedings shall be listed on 26 September 2022. Based on whether there has been a compliance, the Court may consider grant of further time for the payment of the balance 50%.

(SANJAY KUMAR-I)
DEPUTY REGISTRAR

(MONIKA DEY)
COURT MASTER