

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. \_\_\_\_\_ OF 2023  
@ DIARY No. 21762 of 2023

M/S AADITYA REALTORS

.....

APPELLANT

VERSUS

PANKAJ JHA & ORS.

.....

RESPONDENTS

**ORDER**

1. Delay condoned.

2. The present appeal arises from the impugned order dated 12<sup>th</sup> January 2023, passed by the National Consumer Disputes Redressal Commission<sup>1</sup>, New Delhi in Consumer Complaint No. 59 of 2018<sup>2</sup>, filed by the respondents *inter alia* praying for:

- “(i) refund of the entire amount to all allottees of the project “Prisha Heights along with interest at 18% p.a.;
- (ii) ₹ 5 lakhs as compensation on account of mental agony and harassment to each of the allottee; and
- (iii) to pay ₹50,000/- towards cost of proceedings to each allottee etc.”

3. We have gone through the grievance raised by the complainants as well as the order impugned herein. The NCDRC has allowed the complaint filed by the complainants and held both the appellant and the respondent No. 36 – the Developer liable to refund the entire principal amount not only to each of the complainants, but to all those similarly placed parties

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1 For short the ‘NCDRC’

2 Filed under Section 21(a)(i) read with Section 12(1)(b) of the Consumer Protection Act, 1986

having similarity of interest and on whose behalf or for whose benefit, the consumer complaint was filed along with compensation in the form of simple interest @ 9% per annum from the date of each payment till the date of refund, with ₹10,000/- as cost of litigation to each of the complaints who are 35 in number. There is also a further direction with regard to entitlement of refund in case of loan taken from any Bank or financial institution.

4. On perusing the judgment impugned herein and the records placed before us and having heard learned counsel for the appellant, we are of the opinion that the NCDRC has given just and valid reasons for the conclusion arrived at. We see no reason to interfere with the well-reasoned order.

5. The appeal is dismissed being devoid of merits along with the pending applications, if any.

.....J.  
[HIMA KOHLI]

.....J.  
[RAJESH BINDAL]

**NEW DELHI;  
JULY 24, 2023.**

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). 21762/2023

(Arising out of impugned final judgment and order dated 12-01-2023 in CC No. 59/2018 passed by the National Consumers Disputes Redressal Commission, New Delhi)

M/S AADITYA REALTORS

Appellant(s)

VERSUS

PANKAJ JHA & ORS.

Respondent(s)

( IA No.125871/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.125870/2023-EX-PARTE STAY and IA No.125868/2023-CONDONATION OF DELAY IN FILING APPEAL )

Date : 24-07-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Ashok Mishra, Adv.  
Mr. Viresh B. Saharya, AOR  
Mr. Akshat Agarwal, Adv.

For Respondent(s)

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

1. Delay condoned.
2. The appeal is dismissed in terms of the signed order along with the pending applications, if any.

(Geeta Ahuja)  
Assistant Registrar-cum-PS

(Nand Kishor)  
Court Master (NSH)

(Signed Order is placed on the file)