

ITEM NO.21

COURT NO.4
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XVII-A

Petition(s) for Special Leave to Appeal (C) No(s). 20531/2022

(Arising out of impugned final judgment and order dated 16-08-2022 in EA No. 246/2020 passed by the National Consumer Disputes Redressal Commission, New Delhi)

BHITIKA GUPTA & ANR.

Petitioner(s)

VERSUS

ORRIS INFRASTRUCTURE PVT. LTD. & ORS.

Respondent(s)

(IA No.171897/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 20858/2022 (XVII-A)
(FOR ADMISSION)

Date : 30-11-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s)

Ms. Nina R. Nariman, Adv.
Mr. Aditya Parolia, Adv.
Mr. Piyush Singh, Adv.
Mr. Akshay Srivastava, Adv.
Ms. Mahima Ahuja, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Gaurav Goel, AOR

Mr. Amit Singh Chouhan, Adv.
Mr. Zafar Khurshid, Adv.
Mr. Vikramaditya Singh, AOR
Ms. Shirya Misra, Adv.
Mr. Shreyank Tiwari, Adv.
Mr. Rishabh Saxena, Adv.
Mr. Syed Hamza, Adv.
Ms. Arundhati K., Adv.
Mandvya Kapoor, Adv.

For Respondent(s)

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

SLP (C) No. 20531/2022:

The impugned order passed by the National Consumer Disputes Redressal Commission [NCDRC] has lived its life. It is the case on behalf of the petitioners that even thereafter also, the judgment-

debtor has not deposited the amount. If that be so, it will be open for the petitioners to initiate appropriate fresh proceedings for execution/appropriate application in the disposed of execution petition and as and when the same is filed, the same be considered in accordance with law and at the earliest, but not later than three months from filing of such an application.

With this, the Special Leave Petition stands disposed of.

Pending application also stands disposed of.

SLP(C) No. 20858/2022:

It is the case on behalf of the petitioner that, in the original order passed in CC No. 2009/2017, which was sought to be got executed in the execution proceedings, an order was passed that, if the possession is not delivered till 30.09.2020, the complainant shall be at liberty to take refund of the total deposited amount of Rs.95,00,000/- along with interest @ 9% p.a. It is submitted that by passing the impugned order in the execution proceedings that option/order which was in favour of the complainant has been taken away and the order is passed only to deliver the possession.

The aforesaid can be said to be an error apparent on the face of the record.

Let the petitioners file an appropriate application before the NCDRC for appropriate clarification/modification of the order and as and when such an application is filed, the same be decided and disposed of within four weeks from the date of filing of such application.

The Special Leave Petition stands disposed of.

It goes without saying that if the petitioner are aggrieved by the order in review, it will be open for the petitioners to challenge the same and/or challenge the present order before this Court.

(R. NATARAJAN)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR