
(2009) 01 SC CK 0198

In the Supreme Court Of India

Case No : Civil Appeal No's. 7290-7293 of 2002

Bhopal Vikas Pradhikaran

APPELLANT

Vs

Sangeet Shukla and Others

RESPONDENT

Date of Decision : 28-01-2009

Acts Referred:

Citation : (2009) 01 SC CK 0198

Hon'ble Judges : V. S. Sirpurkar, J; R. M. Lodha, J

Bench : Division Bench

Advocate : Naveen R. Nath, Lalit Mohini Bhat and Anitha Abraham, for the Appellant; Puneet Jain, S. K. Jain, Archana Tiwari, A.V. Kotemath and Pratibha Jain, for the Respondent

Final Decision : Dismissed

Judgement

1. The only controversy is regarding the amount on which the interest will have to be now paid, in terms of the order passed by the District Forum, as confirmed by the State and National Forum. It is clarified that under Clause-I of the relief order passed by the District Forum what was awarded was the interest on Rs. 3,85,000/-, that is, the amount paid by the consumer for the plot or flat, as the case may be, which did not come into his or her possession. It is now obvious that the possession of the plot has already been given by the appellant to the respondent. The District Forum had ordered the interest to be paid on that amount up to the date when the possession was given. The dates of course in these four matters are different. It was, however, provided by Clause-2 of the order that if the amount of interest so calculated on the amounts paid by the complainant is not paid within three months then the appellant will be liable to pay further interest at the rate of 12% per annum. The question was on which amount the said interest would be payable. It is clarified that the further interest would be payable only on the amount of unpaid interest which has been quantified in Clause-1 of the order and not on the whole amount paid by the complainant to the appellant herein. Further it would be simple interest.

2. With these clarifications, we dispose of the appeals but without any order as to costs.