

(2018) 03 NCDRC CK 0129

In the National Consumer Disputes Redressal Commission

Case No : Appeal Execution No. 2, 61, 62, 159, 160 Of 2018

Sky Rock City Welfare Society & Anr

APPELLANT

Vs

Sajjan Singh

RESPONDENT

Date of Decision : 22-03-2018

Acts Referred:

Consumer Protection Act, 1986 — Section 27

Citation : (2018) 03 NCDRC CK 0129

Hon'ble Judges : D.K. Jain, J;M. Shreesha, J

Bench : Division Bench

Advocate : Brijeshwar Singh Bhalla

Final Decision : Disposed Off

Judgement

1. These two sets of Appeals, by a real estate developer, namely, Sky Rock City Welfare Society, arising out of the orders dated 9.8.2016, 5.4.2017

and 14.11.2017 passed by State Consumer Disputes Redressal Commission, Punjab (for short â??the State Commissionâ?) in Consumer Complaints

No.125 and 206/2016 and 175 and 387/2017 and order dated 21.12.2017 in Execution Applications No.71 and 115/2017. By the first set of orders,

allowing the Complaints filed by the Respondents, the State Commission has directed the Appellant to refund the amounts of 18,10,000/- and

17,35,000/- along with interest @ 8% and 12% p.a.

from the date of payment of different amounts till realization along with compensation of 1,00,000/- and 1,70,000/- for the harassment and mental

agony suffered by the Complainants and litigation expenses of 11,000/- and 17,000/- respectively within 30 days from the date of receipt of certified

copy of the order. Since the said directions were not complied with, on the Respondentsâ?? moving the State Commission for enforcement of the

said directions, the Appellants have been convicted and sentenced under Section 27 of the Consumer Protection Act, 1986 (for short "the Act").

Hence, these Appeals.

2. As per the office report, Appeals against the substantive orders dated 9.8.2016 and 5.4.2017 are barred by limitation and the delay in all the

Appeals is more than 200 days.

3. At the outset, learned Counsel appearing for the Appellants submits that in some of the cases the Appellants had approached the Punjab &

Haryana High Court seeking quashing of the Execution proceedings initiated against them by the Respondents and at the same time, some of the

Complainants had opted for amicable settlement before the Permanent Lok Adalat. In the proceedings before the High Court, as also before the

Permanent Lok Adalat, the Appellants had undertaken to deliver the possession of the plots to the Complainants on their depositing the balance sale

consideration, without forfeiture of any amount deposited by the Complainants.

Learned Counsel submits that he has instructions to state that the Appellants are still willing to deliver the possession of the plots allotted to the

Complainants/Respondents, on similar terms accepted by some of the Complainants placed in similar situation. He, however, submits that the aforesaid

offer could not be made to the Complainants as the Appellants have already been convicted and sentenced in the Execution Proceedings. Learned

Counsel prays that in order to explore the possibility of an amicable settlement between the parties, these matters may be referred back to the State

Commission.

4. In view of the submission and the prayer made, without going into the merits of the Appeals, against the orders passed in the Execution

Applications, we dismiss the Appeals against the substantive orders dated 9.8.2016 and 5.4.2017 (FA/61 and 62/2018), which are otherwise barred by

limitation and no satisfactory explanation for condonation of the afore-stated inordinate delay has been furnished, but remand the Execution Appeals,

being EA/ 2 and 3/ 2018 to the State Commission for exploring the possibility an amicable settlement between the parties on the terms noted above.

5. In the final result, Appeals No.61-62/2018 are dismissed as barred by limitation and Execution Applications (E.A. No.71 and 115 of 2017) are

restored to the Board of the State Commission for the aforesaid purpose.

6. The Appellants/their counsel are directed to appear before the State Commission on 3.5.2018 for further proceedings in accordance with law.
7. All the Appeals stand disposed of in the above terms.