

# M/S Nexgen Infracon Private Limited vs Sanjay Dhall on 1 October, 2021

**Bench: Hemant Gupta, V. Ramasubramanian**

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5109 OF 2021

M/S NEXGEN INFRACON PRIVATE LIMITED

VERSUS

SANJAY DHALL

O R D E R

The challenge in the present appeal is to the grant of interest at the rate of 12% p.a. and if the said amount is not paid within one month, the appellant shall be liable to pay compensation at the rate of 14% p.a. Still further, National Consumer Disputes Redressal Commission (NCDRC) has ordered that the tax at source should not be deducted.

Learned counsel for the respondent submitted that since the allottee(s) have taken loan from the financial institutions, therefore, the interest rate granted does not warrant interference.

We have heard learned counsel for the parties. The consistent view of this Court is that the interest can be granted by NCDRC @ 9% p.a. from the date of deposit till the refund. Such was the order passed on 11.01.2021 in C.A. No.62 of 2021 titled as M/s Nexgen Infracon Pvt. Ltd. Vs. Manish Kumar Sinha Reason: & Anr. in respect of same builder. This Court has directed payment of interest @ 9% and also modified the directions regarding deduction of tax at source. In view of the aforesaid order, we modify the order passed by the NCDRC and scale down the interest from 12% & 14% to 9% p.a. The direction restraining the appellant(s) from deducting the tax at source is also set aside. However, the appellant is granted two months' time to refund the amount to the allottee(s). With the aforesaid direction(s), the appeal is disposed of. No costs.

Pending application(s), if any, also stand disposed of.

.....J. [ HEMANT GUPTA ] .....J. [ V. RAMASUBRAMANIAN ] New Delhi;

OCTOBER 01, 2021.

ITEM NO.3

Court 11 (Video Conferencing)

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

Civil Appeal No(s). 5109/2021

M/S NEXGEN INFRACON PRIVATE LIMITED

Appellant(s)

VERSUS

SANJAY DHALL

Respondent(s)

(IA No.18210/2021-CONDONATION OF DELAY IN FILING and IA No.18214/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.18212/2021-STAY APPLICATION and IA No.18215/2021- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ) Date : 01-10-2021 This appeal was called on for hearing today. CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN For Appellant(s) Mr. Gaurav Mitra, Adv.

Mr. Siddharth Joshi, Adv.

Mr. Gopal Singh Chauhan, Adv.

Mr. Deepak Goel, AOR Ms. Ambreen, Adv.

Mr. Yogesh Mittal, Adv.

Mr. Prakash Singh Negi, Adv.

For Respondent(s) Mr. Aditya Parolia, Adv.

Mr. Gaurav Goel, AOR UPON hearing the counsel the Court made the following O R D E R The appeal is disposed of in terms of the signed order. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU BALA GAMBHIR)  
COURT MASTER

(Signed order is placed on the file)