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RAVINDER SINGH CHANA

v.

KHANNA PROPERTIES AND INFRASTRUCTURES PVT. LTD.

(Civil Appeal No(C). 5793 of 2022)

B

AUGUST 24, 2022

**[S. ABDUL NAZEER AND J.K. MAHESHWARI, JJ.]**

C *Consumer Protection – Construction of flat not completed even after receipt of amount within the fixed time period – State Commission directed the respondent to refund the total amount of Rs.21.18 Lakhs to the appellant with interest – However, National Commission directed the refund of Rs.16,18,000/- with interest – On appeal, held: National Commission erred in partially reversing the order of State Commission – Order of National Commission set aside – Respondent to pay/refund the amount in terms of the order of the State Commission within two months, if already not paid/refunded.*

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CIVIL APPELLATE JURISDICTION: Civil Appeal No. 5793 of 2022.

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From the Judgment and Order dated 17.02.2022 of the National Consumer Disputes Redressal Commission, New Delhi in First Appeal No.387 of 2021.

Akshat Shrivastava, Satvic Mathur, Advs. for the Appellant.

F Yashish Chandra, Yash Agrawal, Devesh Pratap Singh, Advs. for the Respondent.

The following Order of the Court was passed:

**ORDER**

1. Leave granted.

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2. By an order dated 15.10.2020, M.P. State Consumer Dispute Redressal Commission, Bhopal, (M.P.) (for short 'the State Commission') directed the respondent herein to refund a total sum of Rs.21,18,000/- (Rupees twenty-one lakhs eighteen thousand only) to the appellant with interest thereon within a period of two months. The operative portion of the order of the State Commission is as under:

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“It is proved in the light of above investigation/observation and justice citations that even after receipt of an amount of Rs.21.18 Lakhs, within a fixed time period, which is generally presumed approximately two years, the construction of the flat has not been completed. Hence the complainant is entitled to receive the deposit amount back along with interest. Therefore this complaint case is allowed/accepted and respondent is directed to pay an amount of Rs.21.18 Lakh (Rs. Twenty One Lakh Eighteen Thousand only) within a period of two months and also to pay simple interest of 9% per annum upon the above said amount from the dated 19.01.2015 the last depositing installment till realization date. The respondent also to pay an amount of Rs.5,000/- (Rs. Five Thousand only) as litigation expenses to the complainant.”

3. However, the National Consumer Disputes Redressal Commission, New Delhi (for short ‘the National Commission’) has passed the impugned order dated 15.10.2020 directing the refund of Rs.16,18,000/- (Rupees sixteen lakhs eighteen thousand only) with interest @ 9% per annum within a period of two months from the date of the said order.

4. Having heard learned counsel for the parties and on perusal of the materials placed on record, we are of the view that the National Commission was in error in partially reversing the order of the State Commission. Therefore, the order of the National Commission impugned herein is hereby set aside and the order of the State Commission dated 15.10.2020 is hereby restored.

5. The respondent is directed to pay/refund the amount in terms of the order of the State Commission dated 15.10.2020 within a period of two months from today, if already not paid/refunded.

6. The civil appeal is disposed of accordingly.