



IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.822-823 OF 2024

M/S BPTP LIMITED & ORS.

Appellant(s)

VERSUS

TERRA FLAT BUYERS ASSOCIATION

Respondent(s)

J U D G M E N T

B.R. GAVAI, J.

1. These appeals challenge the judgment and orders dated 31.05.2023 and 18.08.2023 passed by the learned National Consumer Disputes Redressal Commission in Consumer Complaint No.44/2021 and Review Application No. 249 of 2023 respectively, vide which the appellants have been directed to refund the respective complainants (buyers), the names of whom are mentioned in a list handed over in Court and is taken on record, the sum paid by each buyer along with interest @ 9% per annum from the respective dates of deposit by the

concerned buyer till realization. The same has been directed to be done within a period of three months.

2. It is stated at the Bar that out of 14 complainants as mentioned in the list, the matter has been amicably settled with 11 complainants and so the issue only remains in respect of the 03 complainants.

3. As per the settlement, the appellants are required to pay the amount received from each of the complainants along with interest @ 9% per annum.

4. Shri Neeraj Kumar Jain, learned senior counsel appearing for the complainants/respondents submits that since the said complainants have been prosecuting their remedy, this Court should direct payment of interest @ 12% per annum.

5. We find that since the matter is settled with a large number of complainants with interest @ 9% per annum, the remaining three complainants should also be given interest at the same rate.

6. The appellants had already deposited the principal amount alongwith interest at the rate of

9 per cent per annum in the Registry of this Court.

7. The said amount is permitted to be withdrawn by the complainant(s).

8. In the event, if there is any shortfall, the same shall be made good by the appellants within a period of four weeks from today.

9. The only issue that remains for consideration is as to whether the actual amount should be paid or it should be paid after deducting the TDS, as per the provisions of the Income Tax Act.

10. In this respect we may refer to paragraph 6 of the judgment of this Court rendered in the case of Haryana Urban Development Authority vs Munshi Ram, reported in (2005) 9 SCC 553.

11. In the present case also, the interest has been awarded towards compensation as damages for mental agony and harassment that is caused to the buyers.

12. In the peculiar facts and circumstances of the case, we direct that the payment of interest should be made without deducting TDS.

13. The appeals are, therefore, partly allowed.

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

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

New Delhi
November 28, 2024

ITEM NO.43

COURT NO.2

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). 822-823/2024

M/S BPTP LIMITED & ORS.

Appellant(s)

VERSUS

TERRA FLAT BUYERS ASSOCIATION

Respondent(s)

(IA No. 253980/2023 - EX-PARTE STAY, IA No. 80955/2024 -
PERMISSION FOR WITHDRAWAL OF AMOUNT, IA No. 107641/2024 -
PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 28-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Appellant(s)

Mr. Rana Mukherjee, Sr. Adv.
Mr. Kaushik Poddar, AOR
Mr. Akash Dalal, Adv.
Mr. Sagar Chauhan, Adv.
Ms. Shreya Tewari, Adv.

For Respondent(s)

Mr. Neeraj Kumar Jain, Sr. Adv.
Mr. Umang Shankar, AOR
Mr. Aniket Jain, Adv.
Mr. Vidyut Kayarkar, Adv.

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

1. The appeals are partly allowed in terms of the signed non-reportable judgment.
2. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed non-reportable order is placed on the file]

