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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 219/2020 and CM APPL. 7114/2020, 7115/2020**

M/S TDI INFRASTRUCTURE LTD Petitioner
Through: Ms. Kanika Agnihotri, Mr. Arjun
Rekhi and Mr. Dhruv Chawla,
Advocates (M: 8010537468).

versus

SUNDEEP GULATI & ANR Respondents
Through: Mr. Gaurav Chowdhary, Advocate
with Mr. Sundeep Gulati in person
(M: 9868209697).

CORAM:
JUSTICE PRATHIBA M. SINGH

ORDER
25.02.2020

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1. The present petition has been filed challenging the impugned order dated 8th July, 2019 passed by the NCDRC, which while dismissing the appeal filed by the Petitioner- M/S TDI Infrastructure Ltd, has imposed further costs of Rs. 6,00,000/- upon the Petitioner. An appeal was filed by the Petitioner before the NCDRC challenging the order of the State Commission dated 10th July, 2018. Vide the final order of the State Commission, the Respondents were awarded refund of the entire amount paid by them to the Petitioner along with interest in following terms:-

“ The booking by complainant and payments by him are not disputed. When the complainant did not avail the option of preferential location charges given vide letter dated 14.04.2006, there was no fun for the OP to reiterate the said demand vide letter dated 01.09.2008. Cancellation of allotment without any show cause notice is unfair and arbitrary, more so when to complainant had already deposited Rs.19,49,625/- The same is opposed to principle of natural justice. Any how since the OP has already cancelled the

allotment in 2012, now we do not feel it just and proper to restore the said allotment. Refund of amount would meet the ends of justice.

To sum up the OP is directed to refund the amounts paid by the complainant alongwith interest @10% per annum from the date of respective payments till the date of refund."

2. Various contentions have been raised by ld. counsels for the parties. The primary grievance of the Petitioner is that imposition of costs was without any basis and completely untenable. Ms. Kanika Agnihotri, ld. counsel submits that Petitioner could not have been worse off after filing of the appeal than it was with the State Commission's order. Ld. counsel for the Respondents, on the other hand, submits that the payments were made by the Respondents way back in 2006 after the allotment was made, and the Respondents are no longer interested in taking the alternate plot which has been offered by the Petitioner.

3. Yesterday, i.e. on 24th February, 2020, the matter was heard and an adjournment was sought as there was a possibility of resolution of the disputes. Accordingly, the matter was listed for today. Both parties have sought instructions. Respondent No. 1 is present in Court. The parties have agreed to settle their disputes on the following terms and conditions:-

- a. The Petitioner agrees to pay to the Respondents the entire sum as directed by the State Commission with one modification, i.e. the rate of interest would be computed at 9% per annum instead of 10%, as was directed by the State Commission.
- b. The computation of the amount shall be forwarded by ld. counsel for the Petitioner to ld. counsel for the Respondents within a period of one week. The counsels shall agree on the amount

payable on or before 10th March 2020.

- c. The computed amount shall then be paid in four equal instalments on a monthly basis. The first instalment shall be paid on or before 15th April, 2020, the second instalment on or before 15th May, 2020, the third instalment on or before 15th June, 2020 and the fourth and final instalment on or before 15th July, 2020.
 - d. The entire amount, as agreed, shall be cleared on or before 15th July, 2020. Costs of Rs. 1,00,000/- shall also be paid on or before 15th July, 2020. Subject to the above terms being adhered to, the dispute would be fully and finally settled.
 - e. If there is any default in the payments as agreed above being made to the Respondents, the order of the NCDRC shall come back into operation after 15th July, 2020.
4. The details of the bank account shall be handed over afresh within a period of two days by the Respondents to Id. counsel for the Petitioner, in order to obviate any confusion as to the bank account to which the amount is to be credited/remitted by the Petitioner.
5. Mr. Sundeep Gulati, Respondent No. 1 is present in person and shall append his signatures to the order sheet showing his acceptance to the settlement terms. Ms. Agnihotri submits that she has instructions to settle the dispute on behalf of her client, on the above terms and conditions.
6. The petition with all pending applications is disposed of as settled.
7. Order *dasti* under signatures of the Court Master.

PRATHIBA M. SINGH, J.

FEBRUARY 25, 2020/MR