

29.08.2022
Item No.11
Ct. No.7
CHC
(disposed of)

C.O.1978 of 2022

**Dr. Rajesh Chattopadhyay & anr.
Vs.
Saket Promoters Ltd.**

Mr. Pradip Kumar Tarafder,
Mr. Sambuddha Dutta
...for the petitioners

Mr. Farhan Ghaffar,
Mr. Y. Salim
...for the opposite party

Petitioners assail the order dated 23rd June, 2022, passed by West Bengal State Consumer Disputes Redressal Commission, Kolkata, in connection with interlocutory application, directing decree-holder to hand over the key of the flat as mentioned in the schedule of the agreement dated 14th August, 2014, in favour of the judgement/debtor in good condition.

Mr. Tarafder, learned advocate appearing for the petitioners submits that payment in terms of final order/judgment of the Commission, dated 13th November, 2019, was made with a delay of about two years, and the flat was handed over not in good condition.

It is thus submitted by the petitioners/degree-holders that since there has been delay caused in complying with the order passed by the Commission,

interest is thus liable to be given, which has accrued in the meantime.

Learned advocate appearing for the opposite party disputes with the submission of petitioners alleging that there is no interest component mentioned in the operative portion of the final order dated 13th November, 2019, and as such judgement/debtor may not be fastened with the liability to pay any interest component for whatever may be the reasons,

As decree-holder is fighting over the interest component for the alleged delay being caused in the payment of money, as per final order dated 13th November, 2019, which is also denied by the opposite party, this Court is of the view that interlocutory application being No.IA/496/2022 in Execution Application No.EA/11/2020 needs to be decided afresh giving a hearing afresh to both the sides, in context with the points raised, and decide the same in accordance with the law providing sufficient opportunity of hearing to either of the parties to this case. Such application may be disposed of preferably within a period of two (02) months from the date of communication of this order.

This revisional application is disposed of without going into the merits of the case, and without prejudice to the rights and contentions of the parties.

With this observation/direction, the revisional application stands disposed of.

Parties are directed to make communication of this order to the learned court below.

Urgent certified photostat copy of this order, if applied for, be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)