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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 1964/2024**
MADHU GUPTA & ANR.Petitioners

Through: Mr. Shreyans Singhvi with Ms. Tanuja
Singh and Ms. Akanksha Agrawal,
Advocates.

versus

VATIKA LIMITEDRespondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
03.04.2025

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CM(M) 1964/2024 & CM APPL. 19537/2025 (for withdrawal)

1. Petitioners had filed a complaint before the learned National Consumer Disputes Redressal Commission (in short 'NCDRC'). They sought refund of Rs.77,35,214/- besides interest @ 18%, compensation for mental harassment etc.
2. Learned NCDRC *vide* order dated 18.01.2024 partly allowed their complaint and directed the opposite party to refund the entire amount deposited by the complainants with interest @ 9% per annum from the date of cancellation of allotment till the date of refund after forfeiting 10% of basic sale price.
3. The prime most grievance in the present petition is with respect to the forfeiture of 10% of basic sale price.
4. When asked, it was informed by learned counsel for the petitioners that so far they have not filed any execution petition.

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5. Be that as it may, a specific application has been filed today seeking permission to withdraw the present petition.
6. Learned counsel for the petitioners insists for withdrawal of the present petition, in view of the specific instructions received by her from the petitioners. It is informed that the petitioners do not want to pursue present petition filed under Article 227 of Constitution of India and would rather file an Appeal in terms of Section 67 of Consumer Protection Act, 2019.
7. In view of the above, while making no observation with respect to merits of the case, the present petition is disposed of as withdrawn.
8. The next date of 21.05.2025 stands cancelled.

MANOJ JAIN, J

APRIL 3, 2025
st/js