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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 31<sup>st</sup> July, 2025*

+ CM(M) 1340/2025 & CM APPL. 44135/2025 & CM APPL.  
44136/2025 & CM APPL. 44137/2025

ANSAL HOUSING LIMITED

.....Petitioner

Through: Mr. Sanjeev Mahajan and Mr. Kumar  
Dheeraj, Advocates

versus

VIKAS JAIN & ANR.

.....Respondent

Through: Mr. Abhinav Garg and Mr. Mihir  
Gujjewar, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. The point raised in the present petition is very short and was captured in the last order dated 24.07.2025 which reads as under: -

*“1. The grievance of the petitioner is, merely, to the effect that, even if, the review application was to be considered and, eventually, allowed by the learned National Consumer Disputes Redressal Commission ( in short NCDRC ), it should have, at least, issued notice before disposing of such review application.*

*2. It is submitted that it becomes all the more important because the eventual outcome is to their detriment. In this regard, they strongly rely upon BPS infrastructure Limited vs. Ashwanidewan: 2025 SCC Online Del 3450.*

*3. None appears on behalf of respondent despite advance notice.*

*4. Issue notice through all permissible modes including dasti. Notice be also issued through counsel, returnable on 31.07.2025.*



5. Be shown in supplementary list.”

2. Pursuant to the notice, Mr. Abhinav Garg, learned counsel for respondent/ complainant has put in appearance and, in all fairness, submits that his application MA/49/2025 whereby he was seeking modification of order dated 07.01.2025 was disposed without issuing any notice to the opposite party i.e. Ansal Housing Limited.

3. As per the order dated 07.01.2025, there was following directions to the opposite party:-

*“The Opposite Party is directed to refund the complainant Rs. 96,46,580/- along with simple interest @ 9% p.a. from the date of the order till the date of payment, within a period of two months from the date of this order. In the event of delay beyond two months, the interest payable for the entire period shall be @ 12% per annum.”*

4. Learned National Consumer Disputes Redressal Commission (NCDRC), while taking up the aforesaid application and without issuing any notice to opposite party, has allowed the application while directing that the aforesaid order be read as under: -

*“The Opposite Party is directed to refund the complainant Rs.96,46,580/- along with simple interest @ 9% p.a. from the respective dates of the deposit till the date of payment, within a period of two months from the date of this order dated 25.02.2025. In the event of delay beyond two months, the interest payable for the entire period shall be @ 12% per annum.”*

5. Learned NCDRC, while allowing the application, observed that it was mere inadvertent typographical error.

6. Fact remains that since the modified order is, evidently, to the detriment of the opposite party as the period of component of interest stands substantially increased, ideally speaking, before passing any such order, notice should have been given so as to have their response.

7. Mr. Abhinav Garg, learned counsel for respondent submits that he



would have no objection if the present petition is disposed of with request to learned NCDRC to consider the aforesaid application afresh.

8. He, however, submits that complainant has already filed an *Execution Petition* which has been given number as SC/7/EA/110/2024 and the next date before the learned State Commission, where the aforesaid *Execution Petition* is listed is of 19.09.2025.

9. During course of arguments, learned counsel for petitioner herein i.e. judgment-debtor undertakes that they would appear in the aforesaid *Execution Petition* and would file appropriate response, if required.

10. Mr. Garg undertakes to supply copy of *Execution Petition* well-in-advance through electronic mail.

11. Let it be done.

12. Keeping in mind the overall facts of the case, the present petition is disposed of with request to learned NCDRC to consider the aforesaid application MA/49/2025 filed by appellant/applicant Mr. Vikas Jain afresh and for the aforesaid purpose, the parties are directed to appear before learned NCDRC on 20.08.2025.

13. The opposite party would be at liberty to file reply, if any, to the aforesaid application with advance copy to complainant/applicant.

14. Petition stands disposed of in aforesaid terms.

15. All the pending applications are also disposed in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**JULY 31, 2025/dr/shs**