

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1816 OF 2022

M/s. IMPERIA STRUCTURE LTD.

Appellant

VERSUS

BRIG. HARIT PANT

Respondent

O R D E R

This appeal arises out of the judgment and order dated 11.10.2021 passed by the National Consumer Disputes Redressal Commission, New Delhi ("the National Commission" for short) in Consumer Case No.1043 of 2018.

The National Commission in paragraph 10 of its judgment relied upon the decision of this Court in *Imperia Structures Ltd. v. Anil Patni & Another*, (2020) 10 SCC 783. Paragraph 25 of the decision in *Imperia Structures Ltd. (supra)* was as under:

"25. In terms of Section 18 of the RERA Act, if a promoter fails to complete or is unable to give possession of an apartment duly completed by the date specified in the agreement, the promoter would be liable, on demand, to return the amount received by him in respect of that apartment if the allottee wishes to withdraw from the Project. Such right of an allottee is specifically made "without prejudice to any other remedy available to him". The right so given to the allottee is unqualified and if availed, the money deposited by the allottee has to be refunded

with interest at such rate as may be prescribed. The proviso to Section 18(1) contemplates a situation where the allottee does not intend to withdraw from the Project. In that case he is entitled to and must be paid interest for every month of delay till the handing over of the possession. It is up to the allottee to proceed either under Section 18(1) or under proviso to Section 18(1). The case of Himanshu Giri came under the latter category. The RERA Act thus definitely provides a remedy to an allottee who wishes to withdraw from the Project or claim return on his investment.”

Since the National Commission has followed the decision of this Court in *Imperia Structures Ltd.* (*supra*), we see no reason to entertain this appeal.

The Civil Appeal is, accordingly, dismissed. No costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi;
March 28, 2022.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1899-1906 OF 2022

M/s. IMPERIA STRUCTURE LTD.

Appellant

VERSUS

BALJOR SINGH JAKHAR ETC.

Respondents

O R D E R

These appeals arise out of the judgment and order dated 11.10.2021 passed by the National Consumer Disputes Redressal Commission, New Delhi ("the National Commission" for short) in Consumer Case Nos.1044 of 2018, 1045 of 2018, 1046 of 2018, 1047 of 2018, 1048 of 2018, 1190 of 2018, 1191 of 2018 and 2590 of 2018.

The National Commission in paragraph 10 of its judgment relied upon the decision of this Court in *Imperia Structures Ltd. v. Anil Patni & Another*, (2020) 10 SCC 783. Paragraph 25 of the decision in *Imperia Structures Ltd. (supra)* was as under:

"25. In terms of Section 18 of the RERA Act, if a promoter fails to complete or is unable to give possession of an apartment duly completed by the date specified in the agreement, the promoter would be liable, on demand, to return the amount received by him in respect of that apartment if the allottee wishes to withdraw from the Project. Such right of an allottee is specifically made "without prejudice to any other remedy available to him". The right so given to the allottee is unqualified and if availed, the money deposited by the allottee has to be

refunded with interest at such rate as may be prescribed. The proviso to Section 18(1) contemplates a situation where the allottee does not intend to withdraw from the Project. In that case he is entitled to and must be paid interest for every month of delay till the handing over of the possession. It is up to the allottee to proceed either under Section 18(1) or under proviso to Section 18(1). The case of Himanshu Giri came under the latter category. The RERA Act thus definitely provides a remedy to an allottee who wishes to withdraw from the Project or claim return on his investment."

Since the National Commission has followed the decision of this Court in *Imperia Structures Ltd.* (*supra*), we see no reason to entertain these appeals.

The Civil Appeals are, accordingly, dismissed. No Costs.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

.....J.
(PAMIDIGHANTAM SRI NARASIMHA)

New Delhi;
March 28, 2022.

ITEM NO.9

COURT NO.2
(HEARING THROUGH VIDEO CONFERENCING)

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.1816/2022

M/s. IMPERIA STRUCTURE LTD.

Appellant(s)

VERSUS

BRIG. HARIT PANT

Respondent(s)

(FOR ADMISSION; and, IA No.33573/2022 - FOR STAY)

WITH

C.A. Nos.1899-1906/2022 (XVII-A)

(IA No.35552/2022 - FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT; and IA No.35551/2022 - FOR STAY)

Date : 28-03-2022 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Appellant(s)

Ms. Pinaki Misra, Sr. Adv.
Mr. Pravin Bahadur, Adv.
Mr. Amit Agarwal, Adv.
Ms. Kanika Gomber, Adv.
Mr. Saurabh Kumar, Adv.
Mr. S. Anjani Kumar, Adv.
Mr. Navin Kumar Sehrawat, Adv.
Mr. Vishnu Kant, AOR

For Respondent(s)

Mr. Rahul Sharma, Adv.
Mr. S. Santanam Swaminadhan, Adv.
Ms. Abhilasha Shrawat, Adv.
Mr. Kartik Malhotra, Adv.
Mr. Prabhash Malik, Adv.
Ms. Aarthi Rajan, Adv.
Ms. Aarthi Rajan, AOR

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

The Civil Appeals are dismissed, in terms of the separate
Signed Orders placed on the file.

Pending applications, if any, also stand disposed of.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER