



2025:DHC:7105



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 19th August, 2025*+ CM(M) 3709/2024 & CM APPL. 62935/2024 & CM APPL.
29010/2025

M/S. AIMS PROMOTERS PVT.Petitioner

Through: Mr. Sanjeev Sagar, Senior Advocate
with Ms. Nazia Parveen, Advocate

versus

MR. AMULYA KUMAR & ANR.Respondent

Through: Mr. Saurabh Kumar, Advocate

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner herein is opposite party (OP) before the learned National Consumer Disputes Redressal Commission.
2. A Consumer Complaint No. 710/2017 was filed by Eight home buyers of the project "Aims Golf Avenue" seeking direction for the OP to (i) handover possession of the apartments booked by them and other buyers within a period of two months; (ii) pay delay compensation in the form of interest 18% per annum on the deposit of the buyers and also @Rs.5/- or Rs.10/- per month per sq.ft, of the super area, from due date of possession till the delivery of possession; (iii) pay Rs.500000/- as compensation for mental agony and harassment to each complainants; (iv) pay Rs.50000/- to each complainant, as costs of litigation; and (v) any other relief which is deemed fit and proper in the facts of the case.
3. The complainants, in terms of Section 12(1) (c) of the Consumer Protection Act, 1986, sought leave to institute the complaint as a class action



case, which was allowed on 14.09.2018. On publication of the notice, several home buyers were impleaded as the complainants and thus, there were, in all, 14 complainants.

4. Such complaint has already been finally adjudicated by learned National Consumer Disputes Redressal Commission *vide* order dated 04.05.2023 whereby the following final order was passed: -

“In view of aforesaid discussions, the complaint is partly allowed. The opposite party is directed to offer possession to the complainants (except who have taken possession) of the flats allotted to them along with statement of account duly crediting delay compensation in the form of interest @6% per annum on their deposit from January, 2016 till the offer of possession, within a period of two months from the date of this judgement. If any amount is payable to the complainants, then it shall be paid at the time of offer of possession. If any amount is payable by the complainants, they will be given one month time to deposit it. On settlement of the account, the opposite party will execute conveyance deed in favour of the complainants and handover possession of the flat, complete in all respect without any further delay.”

5. Based on the aforesaid direction and order, Execution Petition was filed before the learned National Consumer Disputes Redressal Commission by some of the complainants which were given separate registration numbers.

6. These Execution Petitions were taken up by the learned National Consumer Disputes Redressal Commission on 25.07.2024 when the OP had raised certain objections with respect to the manner of calculation of the interest component. According to OP, offer of possession had been earlier made on 30.12.2016 and the occupancy certificate was also obtained on 22.12.2017 and, therefore, the allottees/complainants could have taken possession any day, thereafter and, thus, learned National Consumer Disputes Redressal Commission was not justified in directing them to



calculate delayed compensation till 18.11.2020.

7. Mr. Sanjeev Sagar, learned Senior Counsel for petitioner/OP, in his usual humble manner, contends that on various previous occasions, complainants were offered possession and since possession was not accepted by them, OP cannot be saddled with any compensation for delayed possession beyond 22.12.2017.

8. While considering the aforesaid request, learned National Consumer Disputes Redressal Commission observed as under:-

“We have perused the calculation submitted along with the reply of the opposite party. We found that calculation submitted by the opposite party is not correct. The calculation as given by the decree holders on page 25 of the execution application is correct. Inasmuch as, only in compliance of the interim order passed in the complaint dated 30.09.2020, possession was offered on 18.11.2020. So far as, previous offer of possession on 30.12.2016 is concerned, that was prior to obtaining occupancy certificate and it was not valid, therefore, the opposite party is liable to pay delay compensation till 18.11.2020. In terms of the judgment dated 04.05.2023, the opposite party is directed to pay the decretal amount as calculated by the decree holder of Rs.1115578/- within period of one month. Failing which, this amount will carry interest @ 10% per annum.”

9. Similar order was passed in other Execution Petitions also and these orders are under challenge.

10. It is noticed that aforesaid cut-off date of 18.11.2020 has been arrived at on the basis of one communication sent by OP to the complainants and pursuant to such communication sent by the OP, the complainants acknowledged that they had received demand-letters for their respective flats on 18.11.2020. Manifestly, pursuant to the aforesaid communication of OP followed by reply of complainants, learned National Consumer Disputes Redressal Commission decided cut-off date as 18.11.2020.



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11. Moreover, mere offer, at any prior date which is not coupled with the actual physical possession, would not mean anything substantial.
12. Be that as it may, this Court does not find any illegality or perversity in the impugned order necessitating any interference by this Court by invoking supervisory jurisdiction under Article 227 of Constitution of India.
13. Petition is accordingly dismissed.
14. Matter is coming up before the learned National Consumer Disputes Redressal Commission on 27th instant. This Court expects that Execution Petition is brought to its logical end quickly and since differential balance amount is not very high, the same is cleared by the OP, without any further delay.
15. Pending applications also stand disposed of in aforesaid terms.

(MANOJ JAIN)
JUDGE

AUGUST 19, 2025*/dr/shs*