

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF _____
(ARISING OUT OF SLP (CIVIL) NO. 12407 OF 2025)

AMIT TALWAR

APPELLANT(S)

VERSUS

EMAAR INDIA LIMITED & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. In Consumer Complaint No.459/2017 filed by the predecessor-in-interest of the appellant before the National Consumer Disputes Redressal Commission (NCDRC), the following reliefs were sought:

"(i) Allow the present complaint;

{ii) Opposite party no.1 be directed to pay Rs.63,30,607.15 for delay in possession of the Impugned property;

(iii) The opposite party no.1 is directed to compensate the complainant of Rs.10,00,000/- towards mental harassment, frustration and agony;

(iv) The opposite party no.1 be directed to-compensate the complainant of Rs.5,00,000/- towards litigation costs and other expenses; and

(v) Any other relief that this Hon'ble Forum may deem fit in the facts and circumstances of the case and in the interest of justice."

3. The said complaint was allowed in part in the following terms:

"(i) opposite party shall pay compensation for the delay in handing over possession to the complainant from 25.12.2012, the date committed in the Agreement for the same till 05.03.2018, the date of actual offer of possession, at the rate of 9% simple interest per annum;

(ii) this amount shall be paid within eight weeks of this

order, failing which the rate of interest shall be 12% p.a.

(iii) opposite party shall pay litigation costs of Rs.50,000/- to the complainant."

4. In the execution proceedings, the respondent-developer raised an additional claim of non-payment of the full amount of allotment price, and that has been accepted by the NCDRC vide the impugned order to the extent that the respondent has been permitted to set-off a total sum of Rs.15,77,630/- along with simple interest @ 15% p.a. from 30.06.2017 to 09.08.2024. The aggrieved appellant has approached this Court.

5. As may be seen from the operative part of the original order of the NCDRC, which amounts to a decree in favour of the appellant, no set-off claim was accepted or granted in favour of the respondent. That being so, in the execution proceedings, the NCDRC could not have gone beyond the decree. The appeal is, therefore, allowed. The impugned order is set aside, and the respondent is directed to comply with the original order of the NCDRC within a period of one month.

.....CJI.
(SURYA KANT)

.....J.
(JOYMALYA BAGCHI)

.....J.
(V. MOHANA)

NEW DELHI;
AUGUST 03, 2026.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPetition(s) for Special Leave to Appeal (C) No(s). 12407/2025

[Arising out of impugned judgment and order dated 04-04-2025 in EX.P No. 937/2023 passed by the National Consumers Disputes Redressal Commission, New Delhi]

AMIT TALWAR

Petitioner(s)

VERSUS

EMAAR INDIA LIMITED & ORS.

Respondent(s)

(IA No. 113230/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-08-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MRS. JUSTICE V. MOHANA

For Petitioner(s) :Mr. K. Parameshwar, Sr. Adv.
Mr. Abhinav Hansaria, AOR
Ms. Urvika Suri, Adv.
Ms. Saumya Tiwari, Adv.
Mr. Nilay Mishra, Adv.

For Respondent(s) :Mr. Sunil Mund, Adv.
Mr. Kiran Kumar Patra, AOR
Mr. Preetish Sahu, Adv.
Mr. Vedant Mund, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand closed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI DILEEP KUMAR)
DY. REGISTRAR

(Signed order is placed on the file)