

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). _____ OF 2026
[@ D.NO.25293 OF 2024]

VARALI PROPERTIES LTD. & ANR.

Appellant(s)

VERSUS

MONICA AHLUWALIA & ORS.

Respondent(s)

O R D E R

1. Delay condoned.

2. The Civil Appeals arise out of the judgment and orders of the National Consumer Disputes Redressal Commission ("NCDRC") in Consumer Case No. 247 of 2020 dated 12.09.2023 and Review Application No. 38 of 2024 dated 16.02.2024.

3. By the orders impugned before us, the NCDRC held that the appellants are jointly and severally liable to refund the amount payable to respondent nos.1 and 2 ("complainants").

4. Brief facts leading to the filing of these appeals are that the appellants undertook a real estate project in Gurugram, Haryana and the complainant(s), desirous of purchasing a unit in the project, entered into a Flat Buyer Agreement ("FBA") dated 24.12.2013. For the purpose of financing the purchase, a tripartite

agreement dated 11.01.2014 ("Tripartite Agreement") was entered into, as per which, respondent no.3 agreed to extend a loan to the

complainant(s). Accordingly, an amount of Rs. 1,60,00,000/- was transferred by respondent no. 3 in favour of the appellants. Additionally, an amount of Rs. 51,60,120/- was also paid by complainant(s) to the appellants.

5. As per the FBA, the date for handing over of possession, after accounting for the contractual grace period of six months was 24.06.2017. It is an admitted fact that possession was neither handed over nor offered on the said date. It is also the case of complainant(s) that even at the time of offering of possession of the flat by the appellant, i.e. 31.12.2018, the property was unfit for occupation.

6. In the above-referred circumstances, the complainant(s) approached the Haryana Real Estate Regulatory Authority ("HRERA") in April, 2019 and also invoked the jurisdiction of the NCDRC on 14.02.2020.

7. By the order impugned before us, NCDRC held that the appellants shall refund the entire principal amount of Rs.51,60,120/- to the complainant(s), along with simple interest @ 9% per annum from the date of each payment till the date of refund. Additionally, NCDRC also directed the appellants to pay a sum of Rs. 10,000/- as cost of litigation to the complainant(s). It may be noted that in its judgment, NCDRC held that the liability of the appellants shall be joint and several. The review petition filed by the appellants against the judgment of the NCDRC dated 12.09.2023 was also dismissed on 16.02.2024.

8. Heard Mr. Gaurav Agrawal, learned senior counsel for the

appellants and Mr. Senthil Jagadeesan, learned senior counsel for the complainant(s).

9. Having considered the matter in detail, we are of the opinion that interest of justice will be subserved if we direct the appellants to pay a sum of Rs. 35,00,000/- (Rupees Thirty Five Lakhs) in addition to Rs. 51,60,120/- (Rupees Fifty One Lakhs Sixty Thousand One Hundred and Twenty), which has already been deposited by them before the NCDRC pursuant to our order dated 27.09.2024. The payment of Rs. 35,00,000/- with the amount of Rs. 51,60,120/- shall be treated as full and final settlement of all claims that may exist between the parties. Ordered accordingly.

10. We further direct that the additional amount of Rs. 35,00,000/- shall be paid by the appellants within a period of six weeks from today. We also direct the NCDRC to release the amount of Rs. 51,60,120/- in favour of the complainant(s) with accrued interest.

11. With these directions, the Civil Appeals stand disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
OCTOBER 01, 2026

ITEM NO.34

COURT NO.4

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 Diary No(s). 25293/2024

[Arising out of impugned final judgment and order dated 16-02-2024 and 12.09.2023 in RA No. 38/2024 12-09-2023 in CC No. 247/2020 passed by the National Consumer Disputes Redressal Commission, New Delhi]

VARALI PROPERTIES LTD. & ANR.

Petitioner(s)

VERSUS

MONICA AHLUWALIA & ORS.

Respondent(s)

Mediation Report has been received and as per RoP 13.01.2026 list after mediation report is submitted.

IA No. 257676/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 216072/2024 - CONDONATION OF DELAY IN FILING

IA No. 216071/2024 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

IA No. 216073/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 97721/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 37169/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 216074/2024 - STAY APPLICATION

Date : 01-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Mr. Gaurav Agrawal, Sr. Adv.
Mr. Sudipto Sircar- 3276, AOR
Mr. Preet Singh Oberoi, Adv.

For Respondent(s) :Mr. Senthil Jagadeesan, Sr. Adv.
Ms. Suriti Chowdhary- 4353, AOR
Ms. Niharika S, Adv.
Ms. Arushi, Adv.
Ms. Tanya Sharma, Adv.

Ms. Preetika Dwivedi, AOR

Mr. Abhisek Mohanty, Adv.
Mr. Ansh Rajauria, Adv.
Mr. Anupam Mishra, Adv.

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

1. Delay condoned.
2. The Civil Appeals stand disposed of in terms of the Signed Order.
3. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR
(Signed Order is placed on the file)