



2026:AHC-LKO:21012

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

MATTERS UNDER ARTICLE 227 No. - 1008 of 2026

Avijit Singh And Another

.....Petitioner(s)

Versus

M/S Avp Buildtech Pvt. Ltd. Thru.
Director/Managing Director And Another

.....Respondent(s)

Counsel for Petitioner(s) : Shishir Raj, Desh Deepak Singh,
Nishant Pandey

Counsel for Respondent(s) :

Court No. - 5

HON'BLE ALOK MATHUR, J.

1. Heard Sri Desh Deepak Singh, learned counsel for petitioners.
2. By means of present writ petition, the petitioner has assailed the validity of the order dated 23.09.2025 passed by National Consumer Redressal Commissioner, New Delhi (hereinafter referred to as NCDRC) passed on I.A. preferred by petitioners seeking direction to hand over physical possession of the disputed apartment / unit but have held that the said I.A. would be considered at the time of final disposal.
3. It has been submitted by learned counsel for petitioners that petitioner has booked a residential unit bearing No. A-603, Tower-A situated at AVS Orchard, Sector 77, Noida measuring 1725 sq. ft. for a total amount of around Rs. 30 lakhs and an allotment letter in this regard was issued on 05.11.2010 by the respondent.
4. According to the petitioners, they have paid substantial consideration towards purchase of the said plot but respondents did not give possession and consequently a claim was filed before State Consumer Dispute Redressal Commission, Uttar Pradesh.
5. It is during pendency of the said proceedings that the petitioner made final payment on 04.01.2020 and despite making full payments, possession was not handed over to the petitioner. The State Commission after deciding the dispute allowed the same in favour of the petitioner and

held that the petitioners were entitled to get Rs. 15,000/- per month towards rental and further damages to the tune of Rs. 1.5 lakhs and 01 lakh towards cost of the case and had further directed the respondents to hand over the possession within 60 days from the date of judgment.

6. The order dated 12.04.2023 passed by State Commission was assailed by respondents before NCDRC and is still pending consideration before the NCDRC. It is at this stage, I.A. has been preferred by the petitioners seeking possession of the disputed unit and the respondents have made a fresh demand of Rs. 34,14,172/-. The petitioner has submitted that the said demand is illegal and arbitrary and contrary to the agreement entered into between the parties inasmuch as the petitioners had already deposited the entire consideration towards said the flat and on the contrary as per the judgment of the State Commission, it is the respondents who have to pay damages and other dues to the petitioners as stated therein.

7. I have heard learned counsel for the petitioners and perused the record.

8. It is noticed that by means of impugned order dated 17.03.2026, the NCDRC has considered the I.A. NO. 1500 of 2025 filed by the petitioners seeking physical possession of the unit. The petitioners were directed to deposit amount of Rs. 34,14,172 with the Registry of the Commission without prejudiced to the rights to contest such demand but the petitioners have unequivocally informed the Commission their inability to deposit the same and consequently directions as prayed by the petitioners was deferred till final adjudication of the appeal.

8. This Court does not find any infirmity in the order of the NCDRC and at this stage, learned counsel for petitioners submits that the grievance of the petitioners shall be substantially redressed in case NCDRC is directed to consider and decide the dispute with expedition considering the fact that the possession was to be given to the petitioners in 2013 and even after lapse of more than 13 years the dispute is still pending and the petitioners are still fighting for their unit for which the entire sale consideration has been paid.

9. In light of the above, without entering into merits of the controversy, let an application be filed before NCDRC within two weeks raising all the

grounds for expediting the proceedings which shall be decided by NCDRC with expedition within four weeks thereafter in accordance with law and in case it is found that the matter require to be expedited, appropriate orders in this regard will be passed.

10. With the aforesaid observations / directions, the writ petition stands **disposed of.**

(Alok Mathur,J.)

March 24, 2026

Ravi/