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C.A.No. 11441-11443 OF 1996  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R  
ITEM NO.107 COURT NO. 2 SECTION XVII

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.11441-11443/1996 @@  
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Gujarat Housing Board ... Appellant (s)

Vs.

Thawardasladharam Khubchandani ... Respondent (s)  
& Ors.

Date: 11/12/2002 This/These matter(s) was/were called  
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE  
HON'BLE MR. JUSTICE ASHOK BHAN

For appellant (s) Mr. R.P. Bhatt, Sr. Adv.  
Mr. MN Shroff, Adv.  
Mr. Chirag M. Shroff, Adv.

For respondent (s) Mr. Amlan Kumar Ghosh, Adv.  
Mr. PK Ghosh, Adv.  
Mr. D. Jha, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J.  
.SP2

Heard learned counsel for the appellant for about  
half an hour.  
The appeals are dismissed. No order as to costs.

.SP1  
(Neelam Kawatra) (S.Krishnan)  
A.R.-cum-P.S. Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.11441-11443 OF 1996@@  
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Gujarat Housing Board

Appellant (s)

versus

Thawardasladharam Khubchandani & Ors.

Respondent (s)

O R D E R@@  
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The appellant herein is the Gujarat Housing Board (hereinafter referred to as "the Board". In the year 1982, the Board floated a Scheme for providing cheaper houses to the public. In response to the advertisement, the respondents herein submitted their applications. It is not disputed that each of the respondents paid a sum of Rs.1,85,000/- towards the purchase price of the flat and on their such payments the possession of the flats were given to them. Subsequently, in the year 1990, the respondents filed complaints before the State Consumer Forum contending that they were freedom fighters and were entitled to purchase the houses on concessional rates. It was prayed in the complaint that the estimated hire purchase price of the Unit ought to be Rs.1,50,000/- while they were required to pay an additional amount of Rs. 35,000/- and, therefore, a sum of

contd....2/-

Rs. 35,000/- may be refunded to them. The State Consumer Forum found that the price of the flat was Rs.1,50,000/- and, therefore, directed the appellant herein to refund a sum of Rs. 35,000/- to each of the freedom fighter. Aggrieved the Board preferred an appeal before the National Consumer Disputes Redressal Commission. The respondents also preferred an appeal against the order to the extent that their prayer in the complaint was refused. The National Commission was of the view that the State Consumer Disputes Redressal Commission has no jurisdiction to fix the price of the flats and, therefore, set aside that finding. However, it held that since the respondents were given lesser area than what was stipulated under the Scheme, they are entitled to refund of a sum of Rs. 25,000/- towards compensation. Aggrieved, the Board has filed these appeals.

Learned counsel appearing for the appellant urged that the view taken by the National Commission in holding that the respondents were given lesser area and, therefore, entitled to have refund of Rs.25,000/- as compensation is erroneous. We have perused the record and found that no evidence at all was led by the Board to show that in fact the

respondents were allotted the stipulated area. In absence of such a evidence, the finding recorded by the National Commission that the respondents were given possession of lesser area does not suffer from any infirmity. Consequently the appeals fail and are, accordingly, dismissed. There shall be no order as to costs.

.SP1

.....J  
(V.N. Khare)

New Delhi,  
December 11,2002.

.....J  
(Ashok Bhan)