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C.A.No. 2692 OF 1999
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2692 OF 1999

GHAZIABAD DEVELOPMENT AUTHORITY ... APPELLANT

VERSUS

SISIR K. MUND ... RESPONDENT

WITH C.A.NO. 2693/1999

O R D E R

These two appeals are directed against the order passed by the National Consumer Disputes Redressal Commission (hereinafter referred to as the 'National Commission') to the extent each party is aggrieved. The appellant - Ghaziabad Development Authority ('GDA' for short) in C.A.No. 2692/99 is aggrieved by the direction given in the impugned order to pay compensation of Rs.1 lakh to the respondent in the said appeal. The appellant in C.A.No.2693/99, Sisir Kumar Mund (respondent in C.A.No.2692/99), is aggrieved by the order of the National Commission in not awarding interest @18% per annum for the period from the date of deposit of the amount till the delivery of possession of the flat to him. The State Commission for Redressal of Consumer Disputes, UP, Lucknow (hereinafter ..2/-

.2.

referred to as the 'State Commission') directed the GDA to pay interest on the sum of Rs.4,14,000/- to the complainant with effect from 1.7.1994 till the date of actual possession of the flat was given to him. Now we are told that the possession of the flat has been delivered to him on 22.7.1998. The State Commission also directed to pay a sum of Rs.10,000/- towards harassment and mental torture to the complainant. The State Commission, in its order, stated that if the said amount is not paid within a specified period, that amount shall carry interest @18%. The GDA questioned the validity and correctness of the order passed by the State Commission. The State Commission passed the impugned order.

Having heard learned counsel for the parties on either side and looking to the facts and circumstances of the case and also taking note of the fact that the possession of the flat has already been handed over to the complainant on 22.7.1998, we think it is just and appropriate to modify the impugned order. Accordingly, in modification of the impugned order, we pass the following order :

i) The GDA shall pay interest on the sum of Rs.4,14,000/- from 1.7.1994 till 22.7.1998 @12% per annum.

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We make it clear that no amount of compensation shall be separately payable to the complainant.

ii) This amount shall be paid to the complainant, i.e., the appellant in C.A.No.2693 of 1999 within a period of eight weeks from today.

Both the appeals are disposed of in the above terms. No costs.

[SHIVARAJ V. PATIL]J.

New Delhi, [D.M. DHARMADHIKARI]J.
April 7, 2004.
ITEM No. 107 Court No. 7 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No. 2692/1999

GHAZIABAD DEVELOPMENT AUTHORITY APPELLANT(S)

VERSUS

SISIR K. MUND RESPONDENT(S)
(With appln.(s) for exemption from filing O.T.)

WITH C.A.No.2693/99

Date : 07/04/2004 These appeals were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Sudhir Kulshreshtha, Adv.

For Respondent (s)Mr. Sukumar Pattjoshi, Adv.
Mr. Ambhoj Kumar Sinha, Adv.

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

Heard Mr. Sudhir Kulshreshtha, learned counsel for the appellant for 15 minutes and Mr. Sukumar Pattjoshi, learned counsel for the respondent for 10 minutes.
The appeals are disposed of with no costs in terms of the sign order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)