

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

CIVIL APPEAL NO. 6069 OF 2010

HARYANA URBAN DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

JAWHAR LAL

RESPONDENT(S)

WITH

CIVIL APPEAL NO. 7566-7567 OF 2021

HARYANA URBAN DEVELOPMENT AUTHORITY

APPELLANT(S)

VERSUS

B.K. SINGH

RESPONDENT(S)

O R D E R

Haryana Urban Development Authority (HUDA) has filed this appeal aggrieved by the order dated 4th March, 2009 passed by the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No. 5014 of 2008.

During the year 1981, Government of Haryana has offered residential plots under Discretionary Quota. The Chief Administrator of Haryana Urban Development Authority, Chandigarh addressed a letter dated 17.09.1981 offering plot bearing No.106/10M (size) admeasuring 250 Sq. yards at Sector-6 at Bahadurgarh to the respondent. However, there is no consequential allotment of the plot to the respondent. It appears that nearly two decades after such offer letter, respondent has filed a complaint before District Consumer Disputes Redressal Forum, Jhajjar u/s

12 read with Section 2(1)G of the Consumer Protection Act, 1986. In the complaint, the following reliefs are claimed :

- “(a) Order to issue formal letter of allotment and also to deliver the possession of plot no.106 or why other plot in Sector 6, at Bahadurgarh, in pursuance of offer of allotment (Annexure P-1).
- (b) Order to pay a compensation of Rs.4,30,000/- to the Complainant.
- (c) Award the costs of this complaint to the Complainant.”

The District Forum by order dated 27th September, 2001 has allowed the complaint and issued direction to the appellant-HUDA to allot the plot to the respondent by giving formal letter of allotment and handover physical possession at the rate of Rs.125/- per Sq. yards.

The appellant-HUDA has filed appeal before the State Consumer Disputes Redressal Commission, Union Territory, Chandigarh and the same was dismissed by order dated 24th July, 2008. Further, revision filed before the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.5014 of 2008 also ended in dismissal.

We have heard Dr. Monika Gusain, learned counsel appearing for the appellant-HUDA. Learned counsel has mainly contended that in identical circumstances, one other appeal filed by HUDA in the case of *“Haryana Urban Development Authority & Anr. vs. Adesh Aggarwal”* in Civil Appeal No.2929 of 2008, was allowed by this Court. A copy of the order is placed on record during the course of hearing. We have perused the said order. In the aforesaid order, mainly on the ground that pursuant to offer letter, there was no allotment, as

such, this Court has allowed the appeal. Even in this case, except the offer for allotment, there is no allotment as such, allotting any plot to the respondent-claimant. Further, it is also to be noticed that the offer of allotment was issued in the year 1981, whereas the respondent-complaint has filed a complaint before the District Forum in the year 2000 which is decided on 24th October, 2000.

Learned counsel appearing for the appellant has also brought to our notice, that there is no such policy existing now and the policy for allotment of plots under Discretionary Quota was abolished, except for the plots where constructions were completed and completion certificates were obtained by the allottees from competent authority.

Though there is appearance for the respondent, no representation, when the matter is called. Even in this case, except the offer of allotment, there is no allotment, as such. In that view of the matter, we are of the view that the subject matter of this appeal is covered to be allowed, in view of the judgment of this Court in the case of *"Haryana Urban Development Authority & Anr. vs. Adesh Aggarwal"* in Civil Appeal No.2929 of 2008 dated 19th January, 2017.

For the aforesaid reasons, this appeal is allowed. Impugned order dated 4th March, 2009 passed by the National Consumer Disputes Redressal Commission, New Delhi is hereby set aside and quashed. Consequently, the complaint of the respondent stands dismissed.

Pending application(s), if any, shall stand disposed of.

CIVIL APPEAL NO.7666-7667 OF 2021
(@ of S.L.P.(C) No.22328 OF 2010)

Leave granted.

The impugned order of the National Consumer Disputes Redressal Commission, New Delhi dated 5th August, 2009 in Revision Petition No.4404 of 2008 was passed following the judgment and order in earlier Revision Petition Nos.5013-5014 of 2008 dated 4th March, 2009. Against the said order, the appeal was allowed by this Court. In view of the same, the subject matter of these appeals is also covered to be allowed in view of the judgment of this Court in the case of "*Haryana Urban Development Authority & Anr. vs. Adesh Aggarwal*" in Civil Appeal No.2929 of 2008 dated 19th January, 2017.

Accordingly, these appeals are allowed. Impugned order dated 5th August, 2009 passed by the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No.4404 of 2008, is set aside. Consequently, the complaint filed by the respondent stands quashed.

.....J.
(R. SUBHASH REDDY)

.....J.
(HRISHIKESH ROY)

New Delhi;
December 09, 2021.

ITEM NO.104

COURT NO.12

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 6069/2010

HARYANA URBAN DEVT.AUTH.

Appellant(s)

VERSUS

JAWHAR LAL

Respondent(s)

WITH

SLP(C) No. 22328/2010 (XVII-A)

Date : 09-12-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Dr. Monika Gusain, AOR
Ms. S. Harini, Adv.
Mr. Rajesh Mahale, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

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

The appeals are allowed in terms of signed order.

(NEETA SAPRA)
COURT MASTER (SH)
(Signed order is placed on the file)

(DIPTI KHURANA)
COURT MASTER (NSH)