

ITEM NO.19

COURT NO.11

SECTION XVII

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

Petition(s) for Special Leave to Appeal (C) No(s).12333-12334/2011

(From the judgement and order dated 05/01/2011 in RP No.1544/2001 & RP No.2516/2002 of the NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

GHAZIABAD DEV. AUTHORITY

Petitioner(s)

VERSUS

YOGENDRA PAL TYAGI

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 13/05/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Indu Malhotra, Sr.Adv.  
Ms. Reena Singh, Adv.  
Dr. (Mrs.) Vipin Gupta, Adv.  
Mr. Devesh Kumar, Adv.

For Respondent(s) Mr. Anil Kumar Sharma, Adv.  
Mr. Yashvir Singh Tyagi, Adv.  
Mr. Kamal Singh Pundir, Adv.  
Mr. C.P. Singh, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

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

These petitions are directed against order dated

5.1.2011 passed by the National Consumer Disputes  
Redressal Commission (for short, "the National  
Commission") whereby the revision petitions filed  
against the orders of the State Consumer Disputes  
Redressal Commission (for short, "the State

2

Commission") were disposed of by directing the  
petitioner to allot plot measuring 112 square meters to  
the respondent but the order passed for payment of  
interest at the rate of 18 per cent on each installment  
of price from the date of deposit till the date of  
payment was set aside.

It is borne out from the record that in

furtherance of an advertisement issued by the petitioner in 1988, the respondent applied for reservation of a residential plot. After considering

his eligibility, the competent authority reserved a plot measuring 112 sq.mt. in favour of the respondent in Govindpuram Scheme launched by the petitioner. The respondent deposited the estimated cost of plot, i.e., Rs.69,440/- in installments. However, the petitioner

did not issue the allotment letter what to say of giving possession of the plot.

After waiting for considerable period, the respondent filed Complaint Case No.497/1996. District Consumer Forum, Ghaziabad declined the respondent's prayer for issue of a direction to the petitioner to allot the plot, but ordered payment of 18% interest on each installment from the date of deposit till the date of actual payment.

Both, the petitioner and the respondent, challenged the orders of the District Forum by filing

3

appeals under Section 15 of the Consumer Protection Act, 1986. Appeal No.1558/SC/2000 filed by the petitioner was dismissed by the State Commission vide order dated 25.4.2001 but the one filed by the respondent was allowed vide order dated 16.7.2002 and the petitioner was directed to give possession of the plot to the respondent.

Revision Petition No.1544/2001 filed by the petitioner against order dated 25.4.2001 was dismissed by the National Commission by relying upon the order passed in Revision Petition No.1197/1998 - Haryana Urban Development Authority vs.Darsh Kumar. However,

Revision Petition No.2516 of 2002 filed against order dated 16.7.2002 was allowed by the National Commission and the direction given for giving possession of the

plot to the respondent was set aside.

The petitioner challenged the two orders of the National Commission by filing special leave petitions under Article 136 of the Constitution.

After granting

leave, this Court allowed both the appeals and remanded the case to the National Commission with the direction to decide the revision petitions afresh.

After hearing the parties, the National Commission set aside the direction given for payment of interest to the respondent at the rate of 18 per cent but ordained allotment of plot to the respondent.

The

4

operative part of the order passed by the National Commission reads as under:

"In the final analysis, the original complaint filed by the Respondent-Complainant stands allowed and the petitioner - GDA is directed to allot the plot measuring 112 sq.mtrs. To the Respondent which was reserved for him at the then prevailing price. If that plot is not available for one reason or the other, the Petitioner should allot alternate plot of the same measurement and at the same price in some other Scheme, to the respondent, within a period of three months from today."

We have heard Ms. Indu Malhotra, learned senior counsel and Ms. Reena Singh, learned counsel appearing for the petitioner and carefully perused the record.

In our view, the direction given by the State Commission, which has been confirmed by the National Commission for allotment of residential plot to the respondent does not suffer from any legal infirmity whatsoever and the special leave petitions are liable to be dismissed being wholly merit-less. Ordered accordingly.

The petitioner is granted four months' time to comply with the direction given by the National Commission and submit a report to this effect to the Registrar of the National Commission, who shall place the matter before the concerned Bench of the National

Commission. If it is found that the petitioner has failed to comply with the direction contained in the order under challenge, the National Commission shall

5

initiate appropriate proceedings against the officers of the petitioner.

(N. Annapurna)  
AR-cum-PS

(Phoolan Wati Arora)  
Court Master