

ITEM NO.14

COURT NO.5

SECTION XVII

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

Petition(s) for Special Leave to Appeal (Civil)...../2012  
CC 8481/2012

(From the judgement and order dated 10/01/2012 in RP No.3656/2011,  
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

MEERUT DEVELOPMENT AUTHORITY

Petitioner(s)

VERSUS

MUKESH KUMAR GUPTA

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 09/05/2012      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

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

For Respondent(s)

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

Delay condoned.

The petitioner, who had induced the respondent to part with his hard earned money by promising a plot of land which, to the knowledge of the officers of the petitioner, was under litigation is before this Court      questioning order dated 10.01.2012 passed by the National Consumer Disputes Redressal Commission (for short, 'the National Commission'), whereby the appeal preferred against the decision of the

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State Consumer Disputes Redressal Commission

was dismissed.

Shri Sudhir Kulshreshtha, learned counsel for the petitioner made efforts to convince us that the complaint filed by the respondent in 2009 was hopelessly time barred because the cause of action accrued to the respondent in

1992 and that the Consumer Forums committed serious error by ordaining execution of the sale deed and at the same time relieving the respondent of his obligation to pay interest for delayed payment of the balance price of the plot but we have not at all felt impressed. Rather, we are convinced that the petitioner, who is an instrumentality of the State, has acted in total disregard of the constitutional principles and fairness. The manner in which the petitioner went about advertising the plots and inducing the citizens to part with their money with the hope that they will get plot of land on which they will be able to construct house for themselves and their families is reprehensible and petition like the present one deserves to be dismissed with exemplary costs. It is extremely difficult, if not impossible, to visualize that an instrumentality of the State would make false representation to the public and collect money by promising allotment of plot knowing fully well that the land is under litigation.

In our view, the complaint filed by the respondent who had patiently waited for 27 years with the hope that he will get the plot was rightly not dismissed by the District Forum as barred by limitation because he had a recurring cause for filing a complaint in the matter of non-delivery of possession of the plot.

The special leave petition is accordingly dismissed.

For filing a frivolous petition like the present one, the petitioner is saddled with costs of rupees fifty thousand which shall be deposited with the Supreme Court Legal Services Committee within a period of two months from today.

(Parveen Kr.Chawla)  
Court Master

(Phoolan Wati Arora)  
Court Master