

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5620 OF 2007

ADMIN. U.T. ADMIN. CHANDIGARH & ANR ...APPELLANT(s)

VERSUS

INDIRA ARORA ...RESPONDENT(s)

O R D E R

No one is present on behalf of the appellants. We find from the impugned order passed by the National Consumer Disputes Redressal Commission (National Commission) that no one had appeared on behalf of the appellants even before the National Commission.

The respondent/complainant had approached the State Commission with a complaint that he had purchased a plot of land in an auction in December, 1996, but was unable to construct on that plot. This was because of a 'rehri market' on the plot and in view of the delay in handing over the possession which would have enabled the complainant to make the construction, he sought the intervention of the State Commission and claimed damages for deficiency in service by the appellants.

The State Commission accepted the complaint and passed an order on 26th March, 2003 accepting the claim of the respondent/complainant that there was a deficiency in service and it was directed as follows:

"Resultantly the complainant is allowed to the extent that the OPs are directed to pay to the complainant interest @ 18% per annum on 25% of the costs w.e.f. January 1997, the date of payment up to October 2001 when the rehri market was removed and also on the amount of first installment for the period from 05.06.1998 up to October 2001. Besides this, a sum of Rs.20,000/- is allowed as compensation for mental and physical harassment. Besides the aforesaid amount, the complainant would be entitled to costs of litigation which we quantify at Rs.10,000/-.

So far as the payment of ground rent is concerned, the same would become payable after the date when the pipeline running the SCO site no.4, Sector 41-D, Chandigarh was removed which in the instant case was removed on 05.07.1999 and the ground rent shall be payable by the complainant for the SCO site no.4 aforesaid w.e.f. 05.07.1999, the date of removal of pipeline.

In other aspects, the complaint is disposed of by relegating the complainant to her remedy of approaching a Civil Court of competent jurisdiction by filing an appropriate civil suit."

Feeling aggrieved, the appellants preferred an appeal before the National Commission and notice was limited to the award of the compensation only. However, since no one appeared on behalf of the appellants, the National Commission considered the issue of interest and reduced the quantum awarded by the State Commission from 18% to 12%. In addition thereto, it was directed that the complainant would be entitled to Rs.20,000/- as compensation for mental agony and harassment and litigation expenses quantified at Rs.10,000/-. The rest

of the order passed by the State Commission was maintained.

Against the order passed by the National Commission, a review petition was filed by the appellants, but that was also dismissed by an order dated 30th March, 2006.

We have heard learned counsel for the respondent/complainant and find absolutely no reason to interfere with the well-reasoned order passed by the National Commission.

Accordingly, the appeal is dismissed.

.....J.
(MADAN B. LOKUR)

.....J.
(A.M. KHANWILKAR)

NEW DELHI
NOVEMBER 24, 2016

ITEM NO.105

COURT NO.6

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

Civil Appeal No(s) .5620/2007

ADMIN. U.T. ADMIN. CHANDIGARH & ANR

Appellant(s)

VERSUS

INDIRA ARORA

Respondent(s)

(with interim relief and office report)

Date : 24/11/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Appellant(s) Ms. Kamini Jaiswal, AOR (NP)

For Respondent(s) Mr. Amit Kumar, AOR
Mr. Avijit Mani Tripathi, Adv.
Mr. Prithvi Pal, Adv.
Mr. Shaurya Sahaye, Adv.
Ms. Rekha Baksh, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

(SANJAY KUMAR-I)
AR-CUM-PS(JASWINDER KAUR)
COURT MASTER

(Signed order is placed on the file)