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C.A.No.42/2000  
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp  
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~ ITEM N. 103 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.42/2000

Dalbir Kaur Dhillon .. Appellant (s)

Vs.

Punjab Urban Planning & Development .. Respondent(s)  
Authority

(With appln(s)for exemption from filing O.T.)  
With  
C.A. No. 43/2000

DATE : 23.1.2001 : This/These matter (s) was/were  
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU  
HON'BLE MR. JUSTICE SHIVARAJ V PATIL

For Appellant (s) : Mr. Rakesh Tiku, Adv.  
in CA 42 & res in Ms. Kumud Lata Das, Adv.  
CA 43/2000

For Respondent (s) : Mr. Mukul Rohtagi, ASG  
In CA 42 & appll. Ms. Rachna Joshi Issar, Adv.  
in CA 43/2000

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

.....L.....I.....J  
.SP2

The appeals are allowed in terms of the signed order.  
No costs.

.SP1

Charanjit [ R.K. Kumar ]  
Court Master

[ Signed order is placed on the file ]

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 42/2000@@  
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Dalbir Kaur Dhillon .. Appellant

Vs.

Punjab Urban Planning & Dev. .. Respondent  
Authority

With

CIVIL APPEAL NO. 43/2000@@  
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.....L.....I.....J  
.SP2

Dr. Dalbir Kaur Dhillon who is appellant in one of these appeals and respondent in another matter made an application for allotment of a plot in Phase-II Patiala to the Punjab Urban Planning & Development Authority(hereinafter referred to as the Authority) which is the Respodnent in one matter and appellant in the other.

A plot of land bearing No. 4170-C measuring about 507.50 Sq. yards under certain terms and conditions by an order made on 25.2.1980 was given. While Dr. Dhillon claims that she was given possession of the land in June, 1998 the Authority contends that such possession was offered as early as 1983. She filed certain proceedings before the authorities and subsequently approached the State Consumers Disputes Redressal Commission( for short the State Commission) Punjab claiming various reliefs. The State Commission formulated three questions for considerations (i) whether

there was deficiency in rendering service on the part of the Authority in delaying delivery of actual possession to Mrs. Dhillon (ii) whether Dr. Dhillon suffered losses on account of negligent act on the part of the Authority in the matter of delivery of possession and (iii) with regard to claim of compensation payable, if any.

The State Commission answered all these questions in favour of Dr. Dhillon and directed payment of a compensation of Rs. 9 lacs along with certain other amounts by way of interest etc. In the first appeal filed by the authority before the Commission all findings were under challenge and in addition raised other grounds. The Commission noted that the arguments were heard at length but disposed of the matter by a short cryptic order stating as follows :

.....L.....I.....J.....

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"Having regard to facts of the case, in our opinion the State Commission has rightly awarded the interest at 18 % from the date of last instalment paid. Therefore, that part of the order is sustained. So far as compensation of Rs. 9.00 lakhs is concerned, we are of the view that it is on the higher side. We reduce the compensation to Rs. 4.00 lakhs. The amount of compensation of RS. 40,000/- on account of harassment is deleted. The stay application and the appeal are both disposed of as above. The order is to be carried out within two months from today."

.....L.....I.....J  
.SP2

Complaint now made is that the appeal filed by the Authority should have been considered on all questions raised before the State Commission and could not have drawn any

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inference without discussing all the material on record with reference to the contentions raised before it. Moreover, when a question relating to computation of damages arises necessarily a due assessment will have to be made with reference to the material on record. That exercise also was not done. The Authority is therefore aggrieved by this order of the National Commission. Dr. Dhillon is also aggrieved by the order made by the National Commission in slashing down the damages paid to her from 9 lacs to 4 lacs without setting out any reason except to say that in their point of view a compensation of Rs. 4 lacs would be sufficient. In the circumstances we set aside the order made by the National Commission and remit the matter back to it for fresh consideration in accordance with law in particular we may point out that each of the questions raised before the National Commission and grounds urged in support of appeal ought to be considered in accordance with evidence on record and draw a conclusion. We hope that the National Commission will dispose of the matter as expeditiously as possible but not later than six months from today. The appeals are allowed accordingly. No costs.

.SP1

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[ S. RAJENDRA BABU ]@@  
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[ SHIVARAJ V PATIL ]@@  
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New Delhi,@@  
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January 23, 2001@@  
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