

ITEM NO.1

COURT NO.11

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)...../2009
(CC 11198/2009)

(From the judgement and order dated 20/01/2009 in FA No. 490/2008
of The NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI)

VICE CHAIRMAN.DELHI DEVT.AUTH.

Petitioner(s)

VERSUS

R.K.MEENA

Respondent(s)

With IA 1 (appln(s) for c/delay in filing SLP)

Date: 12/05/2010 This Petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Mohan Pandey,Adv.(N/P)

For Respondent(s) Mr.G.Umapathy, Adv.
Mr. Rakesh K. Sharma,Adv.

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

Though the case was called twice, no one has appeared on behalf of the petitioner. This by itself is sufficient for dismissing the petition in default. Notwithstanding this, we have considered the matter on merits.

Delay condoned.

This petition is directed against order dated 20.01.2009 passed by the National Consumer Disputes Redressal Commission (for short, 'the National Commission') in First Appeal No.490 of 2008.

The respondent was allotted a flat by Delhi

2

Development Authority in November, 1996. He paid the price by 7.2.1997 but possession could not be taken because of lack of basic amenities like water and electricity. The respondent filed complaint under Section 12 of the Consumer Protection Act, 1986. By an order dated 11.7.2008, the State Consumer Disputes Redressal Commission, Delhi (for short, 'the State Commission') held that there was deficiency of service on the part of Delhi Development Authority and awarded compensation of Rs.1,00,000/- to the respondent, besides Rs.10,000/- as cost by observing that possession of the fully developed flat was not handed over for four years after deposit of the total price. The National Commission dismissed the appeal preferred by the petitioner and confirmed the order of the State Commission.

We have carefully perused the entire record of the case and are convinced that the State Commission did not commit any error in awarding compensation of Rs.1,00,000/- and cost of Rs.10,000/- to the respondent because the petitioner miserably failed to make available basic amenities necessary for taking possession of the flat allotted to the respondent in 1996.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master