

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 7286 OF 2002

HIMANCHAL PRADESH HOUSING BOARD

Appellant (s)

VERSUS

S.P.MOUDGIL

Respondent(s)

Date: 22/01/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s)

Mr. Y. Prabhakara Rao,Adv.

For Respondent(s)

Mr. Debasis Misra,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard.

The appeal is allowed in terms of the signed order.

The impugned order of the National Commission is set aside.

The matter is remanded back to the National Commission for passing
appropriate orders. No costs.

(Asha Kukrety)
Sr.P.A.

(Indu Satija)
Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

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O R D E R

Heard learned counsel for the petitioner. None appeared
for the respondent although notice has been served.

The impugned order of National Consumer Disputes
Redressal Commission passed in Revision Petition No. 1274 of
1998 dated 31.08.2001 has been passed along with the decision of
the National Commission in Haryana Urban Development
Authority v. Darsh Kumar (Revision Petition No. 1197/1998),
also decided on 31.08.2001.

Since this appeal is similar to Civil Appeal No.
7649/2002 in which the impugned order of the National
Consumer Disputes Redressal Commission has been challenged
and this Court in Ghaziabad Development

Authority v. Balbir Singh [2004 (5) SCC 65] has held that the Haryana Urban Development Authority v. Darsh Kumar (Revision Petition No. 1197/1998) was not the correct law, we pass the same order in this case also and remand the matter to the National Consumer Disputes Redressal Commission for passing appropriate orders in accordance with law. No costs.

.....J.
[MARKANDEY KATJU]

.....J
[R.M. LODHA]

New Delhi,
January 22, 2009.