

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3823-3824 OF 2002

(From the judgement and order dated 01/06/2001 in MP No. 643/2001 & RP

No.878/2001 of NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

HARYANA URBAN DEVT. AUTHORITY & ANR.

Petitioner(s)

VERSUS

JANAK RAJ BATRA

Respondent(s)

(With appln. for c/delay in filing SLP and prayer for interim relief)

Date: 04/02/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE C.K. THAKKER

For Petitioner(s) Mr.Neeraj Kumar Jain,Adv.

Mr.Aditya Kumar Chaudhary,Adv.

Mr.Sanjay Singh,Adv.

Mr.Uma Shankar,Adv.

Mr. Ugra Shankar Prasad,Adv.

For Respondent(s) Mr.Deepak Dhingra,Adv.

Mr. Pradeep Kumar Bakshi,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed. There shall be no order as to costs.

(Usha Bhardwaj)

(Madhu Saxena)

P.S. To Registrar

COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS..... OF 2005

(Arising out of S.L.P.(Civil)Nos.3823-24 of 2002)

Haryana Urban Development
Authority & Anr.

...Appellant(s)

vs.

Janak Raj Batra

...Respondent

O R D E R

Leave granted.

ed a plot in an
It is the appellants' case that the respondent had purchas
open auction from the appellants sometime in 1996. In 2001, the
respondent

made a complaint before the District Forum under the Consumer Protection Act,

therefore, the 1986 alleging that the plot purchased was unsuitable and that,

passed an order directing the respondent was entitled to an alternative plot. The District Forum

order directing the appellant to allot an alternative site to the respondent and

also imposed costs of Rs.1000/- The appellant preferred an appeal from the

decision of the District Forum. The State Commission disposed of the appeal by

order of merely waiving the costs imposed by the District Forum. The

District Forum was confirmed. However, no reason whatsoever was given by the

State Commission for rejecting the appellants' appeal on merits. The

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ed of appellants' Revisional application to the National Commission was disposed

by recording that the only question raised by the appellant before the National

Commission was that the respondent should be asked to pay interest on the

delayed instalments. Counsel for the respondent having stated before the

National Commission that his client was ready to pay interest in accordance with

the prevalent policy, the National Commission directed that immediately upon

receipt of the amount of interest the appellant would hand over the possession of

the alternative site to the respondent. It also stated that if the amount 'is not

communicated within two weeks'

by the respondent, possession would be given to the respondent in any case. The

appellants filed a miscellaneous application before the National Commission

protesting against its recording of the statement that the appellant had only

raised a question relating to the payment of interest on the delayed instalments

by the respondent. The National Commission dismissed the application as under

the law as it stood at the relevant time, review was not permissible.

The appellants preferred an appeal before this Court by way of a special leave petition. By an order dated 11.2.2002 this Court directed the

status-quo to be maintained. The interim order is operating till today.

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The only grievance of the appellants' case is that their case should have been considered on merits by the State Commission. The learned counsel appearing on behalf of the respondent has submitted that the only ground raised before the State Commission was with regard to the payment of costs and that it was not open to the appellants to seek to reopen the entire issue at the stage.

Having perused the order of the State Commission, we are unable to

accept that the appellants had restricted their grievance only to the payment of

costs as held by the State Commission or interest as held by the National

Commission. The appellants were entitled to a hearing on merits and a

reasoned decision on their appeal. The orders of the National Commission and

the State Commission are accordingly, set aside and the matter is remanded

back to the State Commission for disposal of the appellants' appeal on merits

with a reasoned order. In the meanwhile, there will be a status quo with regard to the plots. However, the interim order of status quo will continue subject to further orders interim or otherwise that may be passed by the State Commission. The State Commission may grant such interim relief as it thinks fit uninhibited by the fact that this Court has directed the continuance of the status quo.

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The civil appeals are, accordingly, allowed. There shall be no order as to costs.

.....J.

(RUMA PAL)

.....J.

(C.K. THAKKER)

New Delhi,
February 04, 2005.