

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3039 OF 2009

CHANDIGARH HOUSING BOARD

Appellant(s)

VERSUS

PREM SINGH (DEAD) THR. LRS. & ORS.

Respondent(s)

O R D E R

After hearing both the parties quite at some length, we find that the relief granted to the respondent / complainant by the different Consumer Disputes Redressal Fora and finally affirmed by the National Consumer Disputes Redressal Commission is slightly excessive because on account of interest, the appellant - Chandigarh Housing Board also had some claims which have been largely taken note of and redressed by the National Forum but still we are of the view that the appellant - Board which deals with public money should not be called upon to pay a very huge amount by way of interest. Such liability has arisen on account of peculiar facts and it could have been avoided if the Board had chosen to prefer intra-court appeal against the judgment and order of the learned Single Judge dated 13.07.1995 like it did in another similar case of K.K. Kalsi.

That omission has led to a situation where the Board has to now sustain loss by way of interest while the respondent / complainant has suffered loss by not getting

possession over the allotted house for more than two decades.

Thus viewed, the case of the respondent / complainant stands on a different footing than those who got benefit of a settlement as per order of the Division Bench in the case of K.K. Kalsi which order was confirmed with some modification by this Court long back in December, 2003.

Considering the salient features and the loss being occasioned to both the parties, we are of the considered view that it is not necessary or desirable to decide the questions of law raised before us and instead interest of justice would be best sub-served by passing an order which will take care of interest of both the parties and promote justice. In view of the aforesaid, the relief granted to the respondent / complainant by the Consumer Fora is replaced and substituted by the following:-

(i) The respondent / complainant shall deposit in total an amount of Rs.3,80,000/- (Rupees three lacs and eighty thousand only) with the appellant within four weeks from today.

(ii) On such deposit, all the claims of the Board against the respondent / complainant shall stand settled and the Board shall forthwith issue a letter of allotment in terms of the original claim of 1989 as confirmed by this Court vide order dated 10.12.2003.

(iii) The appellant - Board shall ensure that vacant possession of the house allotted to the appellant is handed

over to the respondent / complainant within two weeks of his depositing the money. It is made clear that the respondent / complainant shall thereafter have no claim against the appellant - Board in respect of entire transaction relating to the claim for allotment of the house.

The respondent shall be liable to pay maintenance and other charges etc. as per law with respect to the allotted house from the date possession of the same is handed over to him.

This order has been passed in the peculiar facts of this case and shall not be treated as a precedent.

The appeal is accordingly disposed of. There shall be no orders as to costs.

.....J.
[Shiva Kirti Singh]

.....J.
[R.K. Agrawal]

NEW DELHI;
FEBRUARY 4, 2016.

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(s). 3039/2009

CHANDIGARH HOUSING BOARD

Appellant(s)

VERSUS

PREM SINGH (DEAD) THR. LRS. & ORS.
(With interim relief and office report)

Respondent(s)

Date : 04/02/2016 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SHIVA KIRTI SINGH
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mrs. Rachana Joshi Issar,Adv.

For Respondent(s) Mr. Rishi Malhotra,Adv.

UPON hearing the counsel the Court made the following

O R D E R

The civil appeal is disposed of in terms of the signed order.

(Meenakshi Kohli)
Court Master

(Jaswinder Kaur)
Court Master

[Signed order is placed on the file]