

ITEM NO.204

COURT NO.11

SECTION XVII

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).811/2009

(From the judgement and order dated 26/03/2008 in RP No. 2106/2005 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

LUDHIANA IMPROVEMENT TRUST

Petitioner(s)

VERSUS

TARLOCHAN SINGH & ANR.

Respondent(s)

(With appln(s) for c/delay in filing SLP and exemption from filing O.T. and with prayer for interim relief and office report)
(For final disposal)

Date: 06/09/2010 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. Salil Sagar, Sr. Adv.
 Mr. Suresh Gupta, Adv.
 Mr. Praneet Ranjan, Adv.

For Respondent(s) Mr. Neeraj Kumar Jain, Sr. Adv.
 Mr. Sushant Kumar, Adv.
 Mr. Ugra Shankar Prasad, Adv.

For Intervener Mr. Gagan Gupta, Adv.

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

Delay condoned.

This petition is directed against order dated 26.03.2008 passed by the National Consumer Disputes Redressal Commission (for short 'the National Commission') in Revision Petition No.2106 of 2005.

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We have heard learned counsel for the parties at length and perused the records.

In our view, the special leave petition is liable to be dismissed on the ground that the petitioner had not challenged order dated 29.10.2002 passed by the Punjab State Consumer Disputes Redressal Commission in Appeal No.1070 of 1999.

We are further of the view that the National Commission did not commit any error by declining to interfere with order dated

10.05.2005 passed by the State Commission in Misc. Application

No.166 of 2005, the relevant portion of which is extracted below:

"Since plot No.197-E approximately measuring 198 sq. yards in the 475 Acre Scheme is available for allotment, let the same be allotted to the complainant - applicant within one month pursuant to the order of the District Forum, Ludhiana dated 4.3.1999, which was partially amended by this Commission on 29.10.2002 passed in Appeal No.1070 of 1999. It is not disputed that by virtue of the aforesaid order, 200 sq. yards plot was liable to be allotted to Sh. Tarlochan Singh, complainant-applicant. The complainant-applicant may be asked in writing by the non-applicant Improvement Trust, Ludhiana to deposit the consideration price of the said plot and if any other formalities are to be completed by him, he should be told as to what formalities are to be completed. After the allotment of the plot, physical possession thereof be given within one month thereafter."

Since the petitioner had not brought correct facts to the notice of the State Commission at the time of disposal of Appeal No.1070 of 1999, the direction given for allotment of 200 sq. yards plot to the respondent cannot be declared illegal.

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The special leave petition is accordingly dismissed.

The petitioner is directed to comply with the orders of the State Commission within a period of two months from today.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master