

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).4260/2007

(From the judgement and order dated 05/09/2006 in MA No.686/2006 & RP No.2327/2006 of The NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI)

CHAMAN LAL & ANR.

Petitioner(s)

VERSUS

H.U.D.A.

Respondent(s)

(With prayer for interim relief and office report)

Date: 28/03/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Anil Mittal,Adv.
Dr. Kailash Chand,Adv.

For Respondent(s) Ms. Ruby Singh Ahuja,Adv.

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

Leave granted.

Though the case was placed under the heading "Incomplete After Notice Matters", but both the parties agreed that the matter should be taken up and finally disposed of.

The civil appeal is allowed, impugned orders passed by the National Commission and the State Commission are set aside and the order passed by the District Forum is restored.

[T.I. Rajput]
A.R.-cum-P.S.

[Om Prakash]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2186 OF 2008
(Arising out of S.L.P. (C) No.4260 OF 2007)

Chaman Lal and Anr.

...Appellant(s)

Versus

H.U.D.A.

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

Though the case was placed under the heading "Incomplete After Notice Matters", but both the parties agreed that the matter should be taken up and finally disposed of.

It appears that the District Consumer Disputes Redressal Forum (for short, 'District Forum') directed the respondent to allot an alternative plot and to refund the balance amount to the appellants and pursuant to the said order, the plot was allotted and possession thereof was made over to the appellants and the amount was refunded. It appears that, in the meantime, an appeal was filed before the State Consumer Disputes Redressal Commission (for short, 'State Commission') challenging the order of the District Forum which sets aside the order passed by the District Forum without taking into consideration the fact that the order of

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the District Forum had been already implemented. The said order has been confirmed by the National Consumer Disputes Redressal Commission (for short, 'National Commission'). Hence, this appeal by special leave.

In our view, the State Commission was not justified in reversing the order passed by the District Forum, especially when allotment had been already made and possession was delivered to the appellants.

Accordingly, the civil appeal is allowed, impugned orders passed by the National Commission and the State Commission are set aside and the order passed by the District Forum is restored.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

New Delhi,
March 28, 2008.