

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 1674 OF 2010

CHANDIGARH HOUSING BOARD

Appellant(s)

Versus

INDIAN EXPRESS EMPLOYEES COOPERATIVE HOUSING BUILDING SOCIETY LTD.
& ANR.ETC. Respondent(s)

WITH

CIVIL APPEAL NOS. 1675-1678 OF 2010 AND 1680 OF 2010

O R D E R

Civil Appeal No. 1674 of 2010:

This appeal is directed against the order, dated 21.08.2007, passed by the National Consumer Disputes Redressal Commission, New Delhi (hereinafter referred to as the "Commission") in Revision Petition No. 740 of 2000 whereby the Commission has dismissed the revision petition.

Initially a Complaint bearing No. 806 of 1994 was filed by the Indian Express Employees Cooperative Housing Building Society-respondent herein praying that the opposite parties be directed to deliver the possession of the land allotted to them, to pay interest on the deposit made by the complainant @ 24%, to pay a compensation of Rs. 50,000/- for the harassment and sufferings meted out to the members of the society and to grant 5% rebate on the price of land.

The District Consumer Disputes Redressal Forum-II, UT, Chandigarh vide its order, dated 16.08.1999, partly allowed the complaint of the respondent with costs of Rs. 4000/- and directed the appellant herein to pay interest @ 18% on the amount of Rs. 10,21,599/- w.e.f. 1.7.1993 to 15.01.1995 and further directed to consider the case of the society for 5% rebate in respect of 34 members of the society in whose case the 25% of the earnest money was deposited by 31.03.1992.

Aggrieved by the said order, the appellant-Chandigarh Housing Board preferred an appeal before the State Consumer Disputes Redressal Commission, Chandigarh whereby the State Commission dismissed the first appeal. Thereafter, the appellant carried the matter to the National Commission by way of Revision Petition, which has also been dismissed. Hence the present appeal.

Heard learned counsel for the parties and perused the material available on record.

At the outset it has to be mentioned that the allotment letter, dated 31.05.1993 (Annexure P-2), provided for a grant of 9099.35 sq. yards plot for 37 members. Thereafter the respondent-society made an application seeking extra land for other members. The concerned authority taking into consideration the aforesaid request, by order dated 16.12.1994, increased the area of the land in supersession of its earlier order. Due to the aforesaid reason, a delay was caused which cannot be perceived as a willful default on the part of the appellant, and consequently the Housing Board cannot be penalized for the same. Nevertheless, it is to be noted that the possession was also delivered to the

respondent-society on 16.01.1995.

In light of the aforesaid discussion, we are not inclined to impose any interest on the amount. However, because of the said delay, the respondent-Society is awarded Rs. 1,00,000/- as litigation costs in the interest of justice.

With these observations, the civil appeal stands disposed of.

Civil Appeals No. 1675-1678 of 2010 and 1680 of 2010:

Heard learned counsel for the parties and perused the material placed on record.

We do not find any reason to interfere with the concurrent findings recorded by the three Forums below.

However, we find that there was negligence on the part of the Chandigarh Housing Board in delivering possession of land. Taking into consideration the facts and circumstances of the case, the rate of interest awarded by the National Consumer Disputes Commission is reduced from 18% to 9% p.a.

The appeals are, accordingly, disposed of. No costs.

.....J.
(N.V.RAMANA)

.....J.
(PRAFULLA C.PANT)

New Delhi,
Dated: 16th August, 2017.

ITEM NO.101

COURT NO.10

SECTION XVII

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

Civil Appeal No(s). 1674/2010

CHANDIGARH HOUSING BOARD

Appellant(s)

VERSUS

INDIAN EXPRESS EMPLOYEES COOPERATIVE HOUSING BUILDING SOCIETY LTD.
Respondent(s)

(List these appeals on 16th August, 2017 at the top of the list
vide Court's order dated 09.08.2017.)

WITH

C.A. No. 1675-1678/2010 (XVII)

C.A. No. 1680/2010 (XVII)

Date : 16-08-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Ms. Rachana Joshi Issar, AOR
 Ms. Vandana Mishra, Adv.
 Ms. K.Vaijyanthi, Adv.
 Mr. Syed Asif Iqbal, Adv.

For Respondent(s) Mr. Rohit K. Singh, AOR

 Mr. Satinder Gulati, Adv.
 Mrs. Kamaldeep Gulati, AOR

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

The appeals are disposed of in terms of the signed order.
Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)
AR CUM PS

(S. SIVARAMAKRISHNA)
ASST.REGISTRAR

(Signed order is placed on the file)