

(2004) 03 NCDRC CK 0147

In the National Consumer Disputes Redressal Commission

A.H. KAPADIA

APPELLANT

Vs

SHAH And SEJPAL DEVELOPERS

RESPONDENT

Date of Decision : 11-03-2004

Acts Referred:

Citation : 2005 1 CPJ 724

Hon'ble Judges : M.S.Rane , V.K.Data J.

Advocate : Prasad Das

Final Decision : Complaint Returned

Judgement

1. THIS complaint is placed before us for admission hearing.
2. THE complainant is a flat purchaser and O.Ps. the builders. O.P. No. 1 is builder and O.P. Nos. 2 to 4 are its partners. THE subject matter of the dispute is flat which the complainant claims to have agreed to purchase from the builders for total consideration of Rs. 20 lakhs vide agreement dated 12.4.2000 being Annexure "A" to the complaint. In Clause 3 of the agreement the total consideration of the flat has been mentioned as Rs. 20 lakhs. The complainant has certain grievance against the builder in respect of the said fact. The complaint has been filed on 23.2.2004 i.e., after amended provision of Consumer Protection Act, 1986, were brought into force, raising pecuniary limit of jurisdiction of the District Forum from Rs. 5 lakhs to Rs. 20 lakhs and that of State Commission from 20 lakhs to Rs. 1 crore. In our numerous decisions following the decision of National Commission in the case of Shahab Co-op. Sugar Mills v. National Insurance Co. Ltd. and Others, reported in II (2003) CPJ 81 (NC)=2003 CTJ page 453 (NC), and in the case of Vijay Shankar v. Mandeep Singh and Others, reported in II (2003) CPJ 170 (NC), we have held that for the purpose of determination of valuation for the purpose of pecuniary limit, criteria is to take into consideration valuation of the subject matter of the complaint for the purpose of pecuniary jurisdiction. Further benefits claimed such as compensation and interest are not to be taken into consideration.

Since the subject matter of valuation herein is Rs. 20 lakhs, it will be appropriate to the complainant that he approaches concerned District Forum in the matter. Hence the following order. ORDER 1. We order return of the complaint to the complainant for presentation before appropriate Forum, for the reasons assigned in the judgment herein. 2. Complainant shall arrange to receive the proceedings in the complaint from the Registry on 25.3.2004 on which date complainant or his authorised representative shall arrange to collect the papers. 3. Four weeks" time thereafter will be available to the complainant to approach concerned Forum. Office shall retain one set of the complaint for the purpose of record of this Commission. 4. Office to furnish copies of the order to the parties.

Complaint returned.