

(2016) 09 NCDRC CK 0070

In the National Consumer Disputes Redressal Commission

Case No : 2163 of 2016

AL AMAN CO-OPERATIVE HOUSING SOCIETY LTD.

APPELLANT

Vs

SHAIKH ISMAIL ABDUL LATIF

RESPONDENT

Date of Decision : 19-09-2016

Acts Referred:

Citation : (2016) 09 NCDRC CK 0070

Hon'ble Judges : B.C. Gupta

Advocate : Rakesh Mishra

Final Decision : Petition Disposed

Judgement

1. The interim order dated 15.03.2016, passed by the Maharashtra State Consumer Disputes Redressal Commission, Mumbai in First Appeal No. A/16/20 has been challenged in this Revision Petition by the petitioner/opposite party (OP) Al Aman Co-operative Housing Society in the consumer complaint filed by the respondent Shaikh Ismail Abdul Latif before the District Forum. The said forum passed an order on 14.10.2015, partly allowing the said complaint and directed the petitioner to carry out renovation/repairs to remove the defects in the property in question, besides payment of certain compensation to the complainant. The said order was challenged by the petitioner/OP by way of an appeal before the State Commission, which granted stay on the operation of the order, subject to deposit of the entire amount as directed by the District Forum alongwith interest, compensation, costs etc. within four weeks with the District Forum. It was also directed that the amount may be invested in a nationalised bank and may not be released to the complainant till the disposal of the appeal. The petitioner/OP has challenged the said order in this revision petition, saying that they did not have the funds to deposit the said amount and it would have been appropriate to direct the petitioner/OP to deposit only 20% of the total amount.

2. During hearing before me, the learned counsel for the petitioner stated that although the stay order had been granted by the State Commission vide

impugned order on 15.03.2016, they were not able to deposit the said amount due to shortage of funds with them and hence, the stay became inoperational. On being asked whether the Society was prepared to deposit the amount, the learned counsel stated after getting instructions that Society was prepared to deposit the amount in question.

3. A perusal of the impugned order dated 15.03.2016 indicates that the State Commission granted the stay, subject to deposit of entire amount as directed by the District Forum within four weeks and also directed that the said amount shall not be released to the complainant till the disposal of the appeal. On the face of it, there is no error of any kind in this order, which may require interference in the exercise of the revisional jurisdiction. However, the petitioner have stated in the grounds of the revision petition that the Society was ready to deposit the amount as per the direction of the State Commission, if some time is granted for the same. It is felt appropriate that if the Society is ready to deposit the amount as directed, they should file an appropriate application before the State Commission, which should take a decision based on the overall facts and circumstances of the case before them. With these observations, this revision petition stands disposed of.