

(2004) 02 NCDRC CK 0072

In the National Consumer Disputes Redressal Commission

ANAND NILKANTH SHETE

APPELLANT

Vs

SULABHA SURESH SALVI

RESPONDENT

Date of Decision : 09-02-2004

Acts Referred:

Citation : 2004 4 CPJ 101

Hon'ble Judges : M.S.Rane , R.N.Varhadi J.

Final Decision : Appeal partly allowed

Judgement

1. WE are proceeding to dispose of this appeal at the stage of its admission itself on hearing the learned Advocate for the appellant as also the respondent who is appearing in person and on perusal of the material available in the appeal paper book.

2. THE respondent-original complainant is present in response to the notice before admission issued by us on 19th September, 2003 when the application was moved before us on behalf of the appellant. The appellant herein is the original O.P. and against the award of Addl. District Forum, Pune dated 26th February, 2003 awarding compensation of Rs. 20,000/- to the complainant with interest and cost of Rs. 1,000/- that this appeal has been filed.

What we gather is that the respondent- original complainant had entrusted the construction of her Bungalow to the O.P.-appellant herein for the agreed cost of construction mentioned in the agreement dated 2nd October, 1996. It appears that there was certain understanding reached between the parties at later stage whereby the contractor-O.P. stated to have agreed to do certain additional work on paying extra payment by the complainant.

3. THE complainant was required to approach the District Forum with the grievances that the O.P. did not complete the construction work and in the mid-way abandoned the same. As the complainant was in dire need of residential accommodation and that as a result of non-completion of the work that she approached the District Forum.

4. BEFORE the District Forum O.P. responded and it is noticed that between the parties there was some arrangement as and by way of compromise whereby O.P. agreed to pay a sum of Rs. 20,000/- to the complainant which it appears that the complainant accepted. O.P. also issued a cheque for the said amount to the complainant but when it was sought to be negotiated by depositing in her account, same got bounced. The O.P. has some reservations and he explained that the payment of the said cheque was stopped by him. Whatever it may be, the District Forum taking into consideration the payment of Rs. 20,000/- which the O.P. had agreed to pay to the complainant and considering the material which was placed before it has made the award as it was prima facie satisfied that the O.P. had left the work of the construction of the Bungalow half-way which would certainly constitute deficiency in services. We do not find any reason to interfere with the order impugned in this appeal, except one point that the interest as has been awarded by the District Forum @ 18% p.a., which in our view appears to be on higher side and interest @ 10% p.a. in our view would be fair and reasonable in the facts/situation obtained in the matter herein and we modify the impugned award accordingly. ORDER Appeal is partially allowed to the extent as under: (i) Award of Rs. 20,000/- to the complainant stands confirmed. (ii) Interest awarded @ 18% p.a. however stands reduced to @ 10% p.a.. (iii) Order of cost of Rs. 1,000/- also stands confirmed. (iv) We are providing 4 weeks" time from today for compliance of the award of the District Forum as modified by us. (v) A sum of Rs. 10,000/- deposited by the O.P.-appellant with the Addl. District Forum, Pune as per our interim order, to be released to the complainant towards part satisfaction of the award of this appeal after the period of appeal is over. District Forum to take necessary steps accordingly. (vi) As far as this appeal is concerned, no order as to costs. (vii) Copies to be furnished to the parties.

Appeal partly allowed.