

(2016) 09 NCDRC CK 0034

In the National Consumer Disputes Redressal Commission

Case No : 1286 of 2016

ASHA MEHTA & ORS.

APPELLANT

Vs

PARSVNATH DEVELOPERS LTD.

RESPONDENT

Date of Decision : 08-09-2016

Acts Referred:

Citation : (2016) 09 NCDRC CK 0034

Hon'ble Judges : Ajit Bharihoke, S.M. Kantikar

Advocate : Vikash Sharma

Judgement

1. Arguments on admission heard. Instant complaint has been filed by the complainants alleging deficiency in service on the part of the opposite party developer with following prayer: "a. direct the opposite party to refund the amount of Rs.10,09,453/- along with interest @ 24% per annum since 2005 till realization;

b. direct the opposite party to pay Rs.1 crore as loss of benefits on the investment of the complainants;

c. direct the opposite party to pay the damages to the tune of Rs.20,00,000/- for mental agony and harassment suffered by the complainants from last about 11 years;

d. direct the opposite party to pay the litigation cost to the tune of Rs.2,00,000/- to the complainants;

Any other or further order/relief as this Hon'ble Forum may deem fit and proper under the facts and circumstances of the case may also be passed/granted in favour of the complainants and against the opposite party."

2. On bare reading of the prayer, prima facie it appears that the instant case does not fall within the pecuniary jurisdiction of the National Commission. Therefore, we have heard arguments on the aspect of pecuniary jurisdiction.

3. The complainant is seeking refund of Rs.10,09,453/- along with interest at the rate of 24% per annum since 2005. Although the interest claimed is highly unrealistic and unreasonable, even if the benefit of the interest component is granted to the complainant, the interest for 11 years on the sum of Rs.10,09,453/- will come to somewhere around Rs.26,64,955/-. Besides this the complainant has sought damages to the tune of Rs.20,00,000/- for mental agony and harassment. Even if the said amount is added to the relief claimed plus interest, falls short of Rs.1,00,00,000/-. In clause (b) of the prayer the complainant has asked for a sum of Rs.1,00,00,000/- as compensation as loss of benefit on the investment of the complainant. There is no cogent data or figures given to justify the demand of Rs.1,00,00,000/- for loss of the balance of investment of the complainant. It appears that this figure has been added only with a malafide intention to inflate the jurisdiction value to defeat the hierarchy of the system. Under these circumstances, we are of the view that the complaint has been filed seeking an unrealistic and unreasonable prayer for compensation just to bring the matter within the jurisdiction of the National Commission which cannot be permitted. We accordingly reject the complaint. This, however, will not come in the way of the complainant to approach the fora having pecuniary jurisdiction on the same cause of action.