
(1993) 04 NCDRC CK 0068

In the National Consumer Disputes Redressal Commission

D.G. RAJAN

APPELLANT

Vs

K.B.SUBRAMANIAN And ASSOCIATES

RESPONDENT

Date of Decision : 01-04-1993

Acts Referred:

Citation : 1993 2 CPJ 1070

Hon'ble Judges : S.A.Kader , R.N.Manickam , Ramani Mathuranayagam J.

Final Decision : Complaint allowed with costs

Judgement

1. THE Complaint is under Section 17 of the Consumer Protection Act.
2. THE complainant entered into an agreement with the opposite parties for the purchase of a flat with 1,149 sq.ft. plinth area together with 244 sq.ft. being undivided share in land bearing No. 147 (Old No. 8) Grams Road, Madras-6 for a total consideration of Rs. 5,17,050/-. THE complainant has paid over and above the said amount. He has paid in all Rs. 5,30,000/-. THE complainant has taken possession though the building was not fully completed. He has spent Rs. 22,026-50 for completing the remaining portion. THE complainant has also paid Rs. 16,000/- towards registration charges for execution of the sale deed. But no deed has been executed. Hence this complaint. This complaint is for directing the 1st opposite party to register the necessary sale deed in favour of the complainant and for directions to the 2nd opposite party to pay compensation for the works in which remained unattended and which have been attended to by the complainant for a sum of Rs. 22,026-50, to direct the opposite parties 1 & 2 to pay a sum of Rs. 1,00,000/- jointly as compensation and Rs. 25,000/- as legal expenses. 5. The opposite parties remained absent and are set ex-parte. 6. The complainant has filed proof affidavit and exhibits A1-A8 have been marked. But the prayer for directions to the opposite parties to execute sale deed should not be granted by this Commission as it falls outside the scope of Section 14(1) of the Consumer Protection Act as held by the National Commission. It is not therefore possible to give the direction, directing the 1st opposite party to execute sale deed. The compensation can be awarded. We accordingly pass the

following orders : - (1) The 2nd opposite party shall pay to the complainant a sum of Rs. 22,026-50 being the expenses incurred by the complainant for finishing the work. (2) The 1st opposite party shall pay to the complainant compensation in the sum of Rs. 25,000/- for not registering the sale deed. (3) The 1st and 2nd opposite parties shall also pay to the complainant a compensation of Rs. 25,000/- for the mental agony and another sum of Rs. 5,000/- towards costs. Complaint allowed with costs.