
(2015) 08 NCDRC CK 0053

In the National Consumer Disputes Redressal Commission

Case No : 4419 of 2012

DHARABALLABH SATI

APPELLANT

Vs

SAMPATI PRABANDH ADHKARI; AVAS AYKT, U P

RESPONDENT

Date of Decision : 03-08-2015

Acts Referred:

Citation : (2015) 08 NCDRC CK 0053

Hon'ble Judges : K S Chaudhari

Advocate : Ritu Rastogi, Indra Pratap Singh

Final Decision : Petition Allowed

Judgement

K.S. Chaudhari, Presiding Member

[1] This revision petition has been filed by the petitioner against the order dated 23.04.2012 passed by the Uttarakhand State Consumer Disputes Redressal Commission, Dehradun (in short, "the State Commission") in Appeal No. 126 of 2011 U.P. Avas Vikas Parishad & Ors. Vs. Sh. Dhara Ballabh Sati by which, while allowing appeal partly, order of District Forum allowing complaint was modified.

[2] Brief facts of the case are that Complainant/petitioner applied for a house under HIG scheme floated by OP/respondent and deposited Rs. 7,000/- towards registration charges and later on deposited Rs.8,000/-. Complainant was neither allotted house nor money was refunded to him. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP resisted complaint and submitted that as complainant did not remove defects, amount was not refunded to him and as per rules and OP can refund amount only with 6% p.a. interest and prayed for dismissal of complaint. Learned District Forum after hearing both the parties allowed complaint and directed OP to refund Rs.15,000/- with interest @ 15% p.a. from the date of deposit till 31.3.2003 and further directed to pay Rs.3,000/- for mental agony and Rs.3,000/- as cost of litigation. OP filed appeal before State Commission and learned State Commission vide impugned order reduced interest from 15% to 7% and rest of the order was upheld against

which, this revision petition has been filed.

[3] Heard learned Counsel for the parties and perused record.

[4] Learned Counsel for the petitioner submitted that learned State Commission committed error in reducing rate of interest without any reason; hence, revision petition be allowed and impugned order be set aside. On the other hand, learned Counsel for the respondent submitted that order passed by learned State Commission is in accordance with law; hence, revision petition be dismissed.

[5] Order of learned State Commission regarding reduction of interest runs as under: 5. "However, we find force in the submission raised by the learned counsel for the appellant that the interest awarded by the District forum @ 15% p.a. is on the higher side and in our considered view, the same need to be reduced to 7% p.a."

No reasons have been given for reducing rate of interest from 15% to 7%. District Forum has allowed interest only upto 31.3.2003 meaning thereby, petitioner will be getting original amount and interest after more than 12 years from 31.3.2003 without any interest. In such circumstances, there was no occasion for learned State Commission to reduce rate of interest from @ 15% p.a. on account of not allotting house or refunding as it cannot be said to be on higher said. This Commission in R.P. No. 1197 of 1998 HUDA Vs. Darsh Kumar upheld order awarding interest @ 18% p.a.

[6] Looking to the number of years for which complainant will not be getting interest from April, 2003, complainant is entitled to interest @ 15% p.a. upto 31.3.2003 and learned State Commission has committed error in reducing rate of interest and impugned order is liable to be modified and order of District forum is to be upheld.

[7] Consequently, revision petition filed by the petitioner is allowed and impugned order dated 23.04.2012 passed by the learned State Commission in Appeal No. 126 of 2011 U.P. Avas Vikas Parishad & Ors. Vs. Sh. Dhara Ballabh is partly set aside and rate of interest awarded by learned District Forum is upheld. Parties to bear their own costs.