
(1994) 08 NCDRC CK 0013

In the National Consumer Disputes Redressal Commission

DY. HOUSING COMMISSIONER, RAJASTHAN HOUSING BOARD APPELLANT
Vs
VIJAY NARAIN SAXENA RESPONDENT

Date of Decision : 11-08-1994

Acts Referred:

Citation : 1995 2 CPC 407 : 1995 2 CPJ 346 : 1996 1 CLT 195

Hon'ble Judges : N.C.Sharma , J.P.Mathur , Firoza Bano J.

Advocate : J.P.Sharma , M.S.Bhargava

Judgement

1. -THIS appeal is directed against the order given by the District Forum, Kota ordering the appellant to provide a house measuring 35 x 60 ft. in journalist quota in Kesavpura scheme and if no house was available in that scheme, then to charge only Rs. 61,790/- for the house No. 8-B-13 Mahaveer Nagar, Kota allotted to him.

2. THE appellants have contended that the complaint was beyond pecuniary jurisdiction of the District Forum, Kota, that the respondent is not a consumer, that the complaint is time barred, that the respondent was not a journalist, that Keshavpura Housing Scheme does not belong to applicant, that the respondent's case is not comparable with the case of Shri Piyush Jain and Shri Jagdeep Singh and that the judgment deserves to be set aside. We have heard the learned Counsels for the parties and gone through the records of the case. The respondent got himself registered for allotment of a house with the UIT in journalist quota and his application was subsequently transferred to the appellants. The appellants thereafter demanded Rs. 4,600/- from the respondent, which were deposited by him on 14.8.82. Thus the relationship of consumer come into existence and the objection of the appellants in this respect is without any substance. As regards pecuniary jurisdiction the contention is also without any force as the respondent has not claimed compensation exceeding Rs. 1 lakh in his complaint. The facts of allotment of house to the respondent in Mahaveer Nagar at a cost of Rs. 1,14,300/- is not disputed. The respondent was accredited as a journalist and became entitled for allotment of a house in

journalist quota. As similar houses were allotted to other persons in a lesser amounts, the appellants are not entitled to charge excess money from the respondent. The appellants have already allotted a house to the respondent and there is no dispute regarding allotment now. The only dispute is regarding its cost. The appellants cannot take advantage of their own mistake. In view of this, the order passed by the District Forum, Kota deserves to be modified to some extent as no special damages have been proved by the respondent.

The appeal of the appellants is partly accepted and the order of the District Forum, Kota is partly modified and it is ordered that the appellants shall give possession of 8-B-13, Mahaveer Nagar, Kota to the complainant on his depositing Rs. 61,790/- as its costs. The appellants shall issue revised allotment-cum-possession letter within a month from today. The order of awarding Rs. 10,000/- as compensation to the respondent is set aside. Parties to bear their own costs of the litigation. Appeal partly accepted.