
(1999) 03 NCDRC CK 0034

In the National Consumer Disputes Redressal Commission

ESTATE OFFICER, PUDA, JALANDHAR

APPELLANT

Vs

Sukhwinder Kaur

RESPONDENT

Date of Decision : 01-03-1999

Acts Referred:

Citation : 1999 1 CLT 586 : 1999 1 CPC 463 : 1999 2 CPJ 135

Hon'ble Judges : A.L.Bahri , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal dismissed

Judgement

1. THE complaint of Sukhwinder Kaur having been accepted by District Forum, Jalandhar vide order dated April 2,1998, the opposite parties - Punjab Urban Planning and Development Authority and its Estate Officer, have come up in appeal. A direction was given to the opposite parties by the District Forum to transfer the plot in question in the name of the complainant as the permission for the same had already been allowed vide order dated June 23,1992. A sum of Rs. 1,000/- towards costs was also allowed.

2. BIMLA Devi Jalota was the original allottee of plot No. 677-C, Urban Estate Phase-I, Jalandhar. She transferred her rights in the plot in favour of Sukhwinder Kaur. Simultaneously, both of them applied for transfer of the plot in the name of Sukhwinder Kaur and paid transfer fee of Rs. 8,360/- by bank draft dated June 21,1990. Apart from the above, extension fee of Rs. 1,881/- was also paid. This was done before the predecessor of Punjab Urban Planning and Development Authority i.e. Punjab Housing Development Board, whose office was situated at Jalandhar. The aforesaid Board on July 17, 1992 vide letter No. 2292 intimated transfer of the plot. However, subsequently, the opposite party issued letter dated July 5, 1996 disputing the transfer, which later led the complainant to move the District Forum. On notice of the complaint, reply was submitted on behalf of the opposite parties, that the complaint was filed in order to avoid payment of stamp duty on the conveyance deed. On merits, it was admitted that BIMLA Devi Jalota was the allottee of the plot aforesaid. Transfer of plot after lapse of six years was not permissible and as per latest policy of the

Government, full stamp duty on the conveyance deed was required to be paid and transfer as such could not be effected. The District Forum accepted the plea of the complainants that in fact transfer had already been effected as allowed by the Board in July, 1992 on completion of necessary formalities and the action of the opposite parties was arbitrary and illegal. Learned Counsel for the appellant, PUDA, argued that now the opposite party is to effect that transfer of the plot and the same can only be done by Bimla Devi Jalota in executing a sale deed in favour of Sukhwinder Kaur and not simply on payment of transfer fee to the opposite party. There is fallacy in this argument. Firstly, the transfer had already been effected by the Board although the letter of the Board may not have reached the complainant and secondly the complainant had applied for the transfer of the plot when the same was permissible on charging transfer fee, which was also paid as already referred to above and the only formality which was required to be observed was for Sukhwinder Kaur to file an affidavit as required in letter dated June 23, 1992. No further formalities were required to be done as per aforesaid letter. Even this letter allowed transfer of the above said plot; which was only subject to the filing of affidavit 11referred to above. Such affidavit could be filed any time, the transfer having already effected. Hence after the transfer is effected in the records of the opposite parties, the complainant Sukhwinder Kaur would be owner of the plot in dispute. We find no infirmity in the order of the District Forum. The appeal is dismissed and if in the records of the opposite parties, actually transfer has not been effected, the same is directed to be done. The appellant would pay costs of this appeal of Rs. 1,000/- to be complainant. Appeal dismissed. _____