
(1992) 11 NCDRC CK 0075

In the National Consumer Disputes Redressal Commission

G. KALE

APPELLANT

Vs

ANURAG BUILDERS

RESPONDENT

Date of Decision : 04-11-1992

Acts Referred:

Citation : 1993 2 CPR 224 : 1993 3 CPJ 1437

Hon'ble Judges : G.G.Loney , Elipe Dharma Rao J.

Final Decision : Complaint sent back to District Forum

Judgement

1. HEARD complainant in person and O.P. 1 also in person. O.P. 2 by Shri V.G. Bhamburkar, Advocate. The O.Ps. 1 & 2 filed their respective written versions. Apart from the objection about the maintainability of the complaint on the point of limitation, a perusal of the claim made by the complainant in Anx. A is for Rs. 62600/-. The complainant has claimed the amount of compensation for the deficiencies alleged in the complaint to the tune of Rs. 1,38,000/-. In our view, the claim of compensation appears to be highly-exaggerated and has been mentioned in the complaint with a view to invoke the jurisdiction of the State Commission.

2. THE precise claim of the complainant appears to be in relation to certain deficiencies as regards the construction which are not completed by the opposite party No.1. In any case, the claim for the amount for recovering such deficiencies is not likely to exceed Rs. 1,00,000/-. THE flat itself is valued at Rs. 1,20,000/- only. Under these circumstances, we find that the complainant has exaggerated his claim in this complaint. THE claim if proved can be decided by the District Forum, Nagpur as the value cannot exceed of the incomplete work more than Rs. 1,00,000/-. Hence, we send back the complaint to the District Forum, Nagpur, for decision according to law. Entire record be sent back to the District Forum, for decision according to law. Complaint sent back to District Forum.