
(2010) 04 NCDRC CK 0020

In the National Consumer Disputes Redressal Commission

HUDA

APPELLANT

Vs

SAROJ GUPTA

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Citation : 2010 3 CPJ 208

Hon'ble Judges : Ashok Bhan , S.K.Naik J.

Advocate : R.S.Badhran

Judgement

1. RESPONDENT/complainant who is a doctor by profession applied for a clinic site with the petitioner. She was issued a letter of intent for clinic-site No. C-2, Sector-15-II, Gurgaon by the petitioner vide letter dated 20.10.1994. The area of the site, so allotted, was 300 sq.yards. The price was fixed at Rs. 1,975 per sq. yard. The total cost worked out to Rs. 5,92,500. Respondent deposited an amount of Rs. 1,45,625 being 25% of the cost of the plot on 15.11.1994 and the remaining amount of 75% was to be deposited within a period of 60 days or in eight half yearly instalments along with interest. Allotment letter was issued. Vide letter dated 30.3.1998, petitioner withdrew the letter of intent, aggrieved against which the respondent filed a departmental appeal which was accepted. Order of withdrawal was set aside and the letter of intent was ordered to be restored. Possession of the said site was given to the respondent but as per the zoning plan, the area of the plot was 180 sq. yards instead of 300 sq.yards. Building plan was submitted to the petitioner on 21.1.1999 which was sanctioned on 25.5.1999. Petitioner wrote a letter to the respondent on 3.11.1998 enhancing the price of the plot to Rs. 3,752.50 per sq.yard instead of Rs. 1,975. The respondent deposited the enhanced amount of Rs. 1,33,312.50 on 13.11.2000 but on taking possession on 18.12.2000, it was found that the size of the plot was only 152 sq. mtrs. Respondent/complainant allegedly deposited another sum of Rs. 4,00,739 vide draft dated 13.2.2001 under protest. Later on the respondent filed a complaint before the District Forum.

2. PETITIONER put in appearance and filed its written statement. Petitioner

admitted the averments of the complaint, as stated above, however, justified the delivery of possession of 180 sq. yards plot as per availability of the land and further took the plea that the complainant was charged @ Rs. 3,752.50 per sq.yard because after the decision of the appellate authority, it was a fresh allotment. Denying any kind of deficiency of service it was prayed that the complaint may be dismissed.

3. DISTRICT Forum, after taking into consideration pleadings as well as evidence produced by the parties, allowed the complaint and directed as under: "After considering all the facts and circumstances of the case, the respondent is directed to refund the remaining balance amount at the same rate i.e. Rs. 1,975 per sq.yard deposited against 300 sq.yards, with interest at the rate after adjusting towards 152 sq.mtrs. as per HUDA policy which is to be calculated after two years from the date of deposit till the date of payment The compliance be made within one month from the date of receipt of the copy of this order. No costs. File be consigned."

4. NOT satisfied with the order passed by District Forum, petitioner filed an appeal before the State Commission which has been dismissed by the impugned order.

5. THE State Commission in its order has noted that the respondent withdrew the claim in respect of allotment of 300 sq.yards and limited her claim for refund of the excess amount charged from her by the petitioner.

6. WE have gone through the order of the State Commission as well as the District Forum. We agree with the view taken by the Fora below that the plot allotted to the respondent after the acceptance of her appeal by the department appellant, did not amount to a fresh allotment. By the said order the appellate authority set aside the order passed by the petitioner withdrawing the letter of intent meaning thereby that the original order of allotment stood restored. No merits. Dismissed. Revision Petition dismissed.