
(1997) 03 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

J.P. YADAV MANAGING DIRECTOR, HOUSEFED

APPELLANT

Vs

ESTATE OFFICER, H.U.D.A.

RESPONDENT

Date of Decision : 31-03-1997

Acts Referred:

Citation : 1997 2 CPJ 158 : 1998 1 CPR 98

Hon'ble Judges : M.R.Agnihotri , Sushil Paul J.

Final Decision : Appeal allowed

Judgement

1. COMPLAINANT has come up in appeal against the order dated 23rd July, 1996 passed by learned District Forum, Gurgaon, whereby complaint has been allowed and Haryana Urban Development Authority has been directed to pay interest @ 15% p.a. from the date of purchase of the plot or the other persons in the same sector were delivered possession of their plots, whichever is later till the date the high tension wire is removed from the plot allotted to the complainant.

2. HARYANA Urban Development Authority allotted to the complainant by transfer residential plot No. 1424, Sector 15-11, Urban Estate, Gurgaon on 18th July, 1991. Though the complainant paid the requisite instalments including me enhanced amount demanded from him, he was delivered the possession on 19th February, 1992, but at the time of taking possession of the plot the complainant found that a high tension wire was passing over his plot and due to which the construction was not possible. Despite repeated requests made by him when HUDA failed to have the high tension wire removed, the complainant approached the District Forum, Gurgaon. In reply to the complaint, HUDA admitted the factual position but pleaded that it was for the H.S.E.B. to remove the wire and HUDA was not responsible for the same. The learned District Forum thereupon allowed the complaint by passing the aforesaid order. In the appeal before us, learned Counsel for me complainant has vehemently contended that it was due to the deficiency in service on the part of HUDA that the appellant could not raise construction for a considerably long period, which has resulted in considerable financial loss to him as cost of construction has arisen very high, for which he

should be suitably compensated. It is further contended by the learned Counsel that the plot was allotted on 8th July, 1987 and the reasonable period for offering possession of the developed plot being three years as Held by the Apex Court in number of cases, the complainant was entitled to interest on the amount deposited w.e.f. 8th July, 1990. After hearing the learned Counsel for the appellant we find merit in both the contentions of the learned Counsel. Accordingly, we allow this appeal and modify the order passed by the learned District Forum by directing HUDA to pay interest to the complainant on the amount deposited by him w.e.f. 8th July, 1990 i.e. three years after the expiry of date of allotment, @ 18% p.a. till the high tension wire is removed from the plot of the complainant. Since the existence of the high tension wire on the plot is causing obstruction to the complainant in the construction of his plot, HUDA is directed to have the same removed by approaching the Haryana State Electricity Board within a period of two months, failing which the complainant shall be entitled to have the order enforced by approaching the District Forum, Gurgaon under Sections 25 and 27 of the Consumer Protection Act. However, there shall be no order as to costs. Appeal allowed.