

(2001) 05 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

KAPOOR SINGH GREWAL (DECEASED) TROUGH L.R.,SURJIT
KAUR

APPELLANT

Vs

Chandigarh Housing Board

RESPONDENT

Date of Decision : 17-05-2001

Acts Referred:

Citation : 2001 2 CPC 365 : 2001 2 CPR 74 : 2001 3 CPJ 5

Hon'ble Judges : D.P.Wadhwa , C.L.Chaudhry , J.K.Mehra , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. COMPLAINANT is the petitioner before us. He succeeded before the District Forum. His complaint was, however, dismissed by the Consumer Disputes Redressal Commission, Union Territory, Chandigarh on appeal filed by the respondent-opposite party.

2. COMPLAINANT was allotted an HIG flat in Chandigarh. Allotment letter was issued on 30.8.1989 and possession delivered on 18.3.1994. He complained deficiency of service plus being entitled to interest on various amounts deposited by him till the possession was delivered to him. He also claimed refund of Rs. 56,300/- which he paid excess payment was received by the respondent. District Forum granted him all these reliefs and also awarded cost of Rs. 5,500/-. This order was challenged in appeal by the Chandigarh Housing Board-respondent. Allotment of the flat to the petitioner was admitted. It was contended that after allotment of the flat petitioner entered into an agreement with one Mrs. Susheel Kaur Mokha stated to be his cousin, for the sale of flat to her in violation of the terms of allotment forbidding transfer of a dwelling unit for a period of ten years. It was Susheel Kaur Mokha who had in fact deposited the amounts towards purchase price of the flat. When these facts came to the notice of the Chandigarh Housing Board an inquiry was made. Terms of Special Power of Attorney were examined which showed sale of the flat. Petitioner was asked to cancel Special Power of Attorney which he did. State Commission observed that it was not convincing at all that the said Power of Attorney should have been registered.

Petitioner by this time shifted to Punjab after retirement. Case of the petitioner along with similar other cases, was examined by the Chandigarh Housing Board and the petitioner was asked to deposit Rs. 43,971/- plus Rs. 12,439/- and on his depositing this amount on 17.3.1994, physical possession of the flat was given on 18.3.1994. In support of its case, Chandigarh Housing Board filed affidavit of Shri P.C. Rana, Accounts Officer. What Mr. Rana had to say about the stand of the Chandigarh Housing Board had not been rebutted. Considering the conduct of the petitioner, State Commission was of the view that there was no deficiency in service by Chandigarh Housing Board and allowed the appeal. We may note that during the pendency of the proceedings before the District Forum, petitioner died and this litigation is being pursued by Smt. Surjit Kaur as a legal representative. We do not find any error in the judgment of the State Commission to take a different view. Revision petition is dismissed. Revision Petition dismissed.