

**(2007) 08 NCDRC CK 0023**

**In the National Consumer Disputes Redressal Commission**

KULWINDER SINGH ETC N

APPELLANT

Vs

HEMANT CHOPRA

RESPONDENT

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**Date of Decision :** 30-08-2007

**Acts Referred:**

**Citation :** 2008 2 CPJ 332

**Hon'ble Judges :** K.S.Gupta , Rajyalakshmi Rao , P.D.Shenoy J.

**Final Decision :** Revision Petition dismissed

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**Judgement**

1. CHALLENGE by the opposite party in this revision is to the order dated 6. 8. 2007 of M. P. State Consumer Disputes Redressal Commission, Bhopal disposing of the appeal against the order dated 31. 5. 2004 of a District Forum in following terms: "this appeal is thus disposed of with the direction that the appellant-society shall make some alternate plot (of the present size 9mtrs x 15 mtrs) available to the respondent in the same vicinity or in alternative pay to him compensation equivalent to the present cost of the plot as per Collector rate as on the date of complaint. Since the plot sold to the respondent was undeveloped the respondent in the event of developed plot being made available to him, shall pay the development charges to the society and in case of payment of compensation as aforesaid, the amount of compensation shall also be reduced by the cost of development incurred by the society and charged by it from other allottees of the area. Before receiving any such compensation the respondent shall surrender back the plot No. 44 and execute deed of reconveyance in favour of appellant at latter's cost. No order is, however, made as to the cost of these proceedings. "

2. IN nutshell, the facts giving rise to this revision are these. Respondent/complainant was a Member of Jai Bhawani Grih Nirman Sahkari Samiti, Mydt. , petitioner/opposite party. He was allotted plot No. 44 of 30 x 50 sq. ft. in April, 1988 by the Samiti. Registered sale deed was also executed in favour of respondent by the then President of the Samiti on 26. 4. 1988. The plot was allotted on the basis of a proposed plan without there being any diversion of land

from agriculture to non-agriculture purpose and plaint not being approved by various authorities including the Town and Country Planning Department and the Municipal Corporation, Bhopal. On the direction of State Commission, the Director, Town and Country Planning submitted a report disclosing that the said plot now does not exist on the spot it being part of the road as per the approved plan. In the written version filed to the complaint, the petitioner alleged that the sale of plot to the respondent was contrary to the bye-laws and other laws and complaint was also barred by limitation it having been filed after more than 15 years of the allotment of plot. Main thrust of argument advanced by Mr. Sidharth Gupta for the petitioner is that the sale of plot by the then President of the petitioner was contrary to the bye-laws and other laws and the order of State Commission to allot alternate plot or pay compensation equivalent to the present cost as per Collector rate is bad in law. Present management of the petitioner does not seem to have taken any action against the then President for having allotted the plot in question to the respondent in violation of the bye-laws and other laws. Allotment was made way back in 1988. Having received the money from the respondent the petitioner who has made available plots to the other members, cannot be heard to raise the said objection. The order of State Commission is equitable. It does not call for any interference in provisional jurisdiction under Section 21 (b) of Consumer Protection Act, 1986. Revision petition is, therefore, dismissed. R. P. dismissed.