

(2006) 06 NCDRC CK 0026

In the National Consumer Disputes Redressal Commission

LIFE TIME HOLIDAYS PVT. LTD.

APPELLANT

Vs

NARINDER JAIN

RESPONDENT

Date of Decision : 02-06-2006

Acts Referred:

Citation : 2006 3 CPJ 133

Hon'ble Judges : K.S.Gupta J.

Final Decision : Revision Petition dismissed

Judgement

1. PETITIONERS were opposite parties 1, 2 and 4. Respondent Nos. 1 & 2/ complainants were contacted by petitioner No. 1, authorized representative of petitioner No. 2 for becoming member of petitioner No. 2 to enjoy the occupancy of a week's holidays for life-time at the resort to be developed by petitioner No. 2 along with petitioner No. 3. Under an agreement dated 31.3.1996 the respondents paid amount of Rs. 1,65,000 towards life membership. PETITIONERS allowed 50th week of every year at the resort to the respondents. Respondents allege that they asked petitioner No. 2 for booking of 50th week in the year 1996 and again in 1997 but they learnt that resort at Goa was not ready for occupation. Therefore, alleging deficiency in service, complaint seeking certain reliefs was filed by the respondents which was contested by the petitioner by filing written versions. PETITIONERS took the pleas that complaint was barred by time; consumer Fora below at Delhi did not have territorial jurisdiction to try complaint and allegation regarding resort not being ready for occupation in the years 1996 and 1997 was wrong. District Forum over-ruling these pleas allowed the complaint with direction to the petitioners to refund paid amount of Rs. 1,71,923 and pay Rs. 50,000 as compensation for mental agony, etc. Appeal preferred against District Forum's order by the petitioner was dismissed by the State Commission by the order under challenge.

2. I have heard Mr. Rajiv Talwar, Advocate for petitioners. Copies of legal notice dated 10.1.2004 got issued through Counsel by the respondents and the reply thereto dated 1.3.2004 sent by petitioner No. 2 are placed on the file. To be only

noted that in para 7 of the said notice it is stated that on coming of the 50th week of 1997 the respondents again approached the petitioners but there was still no resort for the week enjoyment of the year as promised by under the agreement dated 31.3.1996. This allegation has not been specifically controverted in the corresponding para of the reply. Further, both the Fora below have returned concurrent finding that even in the year 1997 the resort was not ready for occupation of the respondents. In view of this concurrent finding and non-denial of what is stated in said para number 7 of notice, I do not find any ground to interfere with the orders passed by Fora below in revisional jurisdiction under Section 21(b) of C.P. Act. Revision petition is, therefore, dismissed. Revision Petition dismissed.