

(2016) 09 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

Case No : 1942 of 2016

MAHAN SINGH NAGARA S/O. MOHINDER SINGH, & ORS.

APPELLANT

Vs

CENTRAL GOVT. EMPLOYEES WELFARE HOUSING
ORGANIZATION & ANR.

RESPONDENT

Date of Decision : 08-09-2016

Acts Referred:

Consumer Protection Act, 1986, Section
21(b) - Jurisdiction of the National Commission

Citation : (2016) 09 NCDRC CK 0028

Hon'ble Judges : D.K. Jain, M. Shreesha

Advocate : J. S. KAHLON

Final Decision : Petition Dismissed

Judgement

1. Delay in filing of the Revision Petitions is condoned.

2. This bunch of 15 Revision Petitions, preferred by the Complainants, under Section 21(b) of the Consumer Protection Act, 1986 (for short "the Act"), is listed for directions because, except for in one case, office objections have not been removed by the Petitioners in remaining cases. Applications have been filed seeking exemption from removing the objections raised. For the stated reasons, the Petitioners are exempted from removing objections.

3. Admittedly, all these Revision Petitions are directed against a common order dated 17.12.2015 passed by the State Consumer Disputes Redressal Commission, Punjab at Chandigarh (for short "the State Commission") in Appeals No.399, 651, 656, 659, 729, 731, 765, 806, 810, 972, 1017 and 1021 of 2014, and Appeals No.15, 19 and 159 of 2015, whereby award of compensation of 2,25,000/- to each of the Complainants by the District Forum has been upheld. The question of correctness and validity of the said order came up for consideration before this Commission in Revision Petition No.1488 of 2016 Nasib Singh vs. Central Government Employees Welfare Housing Organization & Anr. and connected matters. Vide order dated 12.08.2016, the Revision Petitions filed

by the Complainants were dismissed; those which were filed by the said Organization were allowed and the compensation awarded by the lower Fora at 2,25,000/- was reduced to 1,00,000/- in respect of each of the Complainant. It was held as follows: 18. Having arrived at the said conclusion, the question surviving for consideration is as to what should be the adequate compensation to which the Complainants are entitled to? In this behalf, it is pertinent to note that while dismissing the appeals preferred by CGEWHO, State Commission had permitted the Complainants to withdraw an amount of 75,000/-, deposited by the said Organization in compliance with its order, in addition to the statutory deposit of 25,000/- at the time of filing of the appeals, as also the interest accrued thereon, if any. However, when these cases came up for motion hearing on 12.04.2016, upon hearing Ld. Counsel for both the parties at some length, while staying the operation of the impugned order, each of the Complainants were permitted to withdraw a sum of 75,000/-, but with a rider that they will not sell or create third party interest in the subject flats/dwelling units, save and except letting out the same. Bearing in mind the entire factual scenario, referred to elaborately in the impugned order and abridged above, we are of the opinion that the interests of justice would be subserved by reducing the amount of compensation awarded by the Fora below @ 2,25,000/- to 1,00,000/- to each of the Complainants. The net effect of this direction would be that those complainants who have withdrawn the said amounts in terms of the impugned order dated 17.12.2015, (75,000/- + 25,000/- with interest accrued thereon, if any) from the State Commission, shall not be required to refund the same and those who have not withdrawn the aforesaid amounts shall be entitled to withdraw the same forthwith. Shortfall, if any, in the said amount(s) shall be made good by CGEWHO within four weeks of the receipt of this order. The aforestated restraint, imposed on the Complainants in the said interim order, stands vacated.

4. It is not disputed that the said order is on all fours to the facts at hand in all the present Revision Petitions.

5. Consequently, all the Revision Petitions are dismissed in terms of the afore-extracted order .