

(1997) 02 NCDRC CK 0051

In the National Consumer Disputes Redressal Commission

MUNICIPAL COUNCIL, AMBALA CANTT.

APPELLANT

Vs

S.C.Chopra

RESPONDENT

Date of Decision : 04-02-1997

Acts Referred:

Citation : 1997 1 CPC 306 : 1998 2 CPJ 49

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

Final Decision : Appeal dismissed

Judgement

1. IN this appeal filed by Municipal Council, Ambala Cantt against the order dated 17th October, 1996 passed by learned District Forum, Ambala, it has been contended by the learned Counsel for the appellant that the complaint should not have been entertained as the Municipal Council was only rendering social service and thus there was no consumer dispute which could be adjudicated by the learned District Forum, Ambala.

2. ACCORDING to the complainant. Housing Board, Haryana has constructed a Community Centre in the Housing Board Colony, Ambala Cantt., which was being controlled by the Municipal Council. The allottees of the Housing Board Colony have a preferential right for the reservation of the Community Centre on occasions of marriages and other social functions of the allottees. ACCORDING to the complainant, he applied for the reservation of the Community Centre on 27th October, 1995 and the Municipal Council after verifying availability of the premises, allotted the same to the complainant. The complainant deposited the necessary charges of Rs. 2,500/- vide Receipt No. 383 dated 4th December, 1995 and also made other arrangements of booking of tents, light, decoration and band, etc. for the occasion. However on 9th December, 1995 he received a letter from the Municipal Council cancelling the booking of the Community Centre and changing the same in favour of one Mr. Malik. The complainant thereafter shifted the venue of the marriage but suffered humiliation and harassment due to deficiency in service on the part of the Municipal Council. Aggrieved against the same he filed the complaint before District Forum, Ambala claiming Rs.

55,000/- by way of compensation. In their reply, the Municipal Council admitted that the complainant was an allottee of Housing Board Colony, Ambala Cantt. and also the fact that he had approached their office on 27th October, 1995. However, it has stated that earlier to the allotment of the Community Centre in favour of the complainant it had been booked in favour of one Mrs. Sharma, whose booking was however cancelled and was transferred in favour of Mr. Malik. It has further pleaded that by cancelling the allotment of the complainant and transferring it in favour of Mr. Malik, no harassment or inconvenience was caused to the complainant as he had not produced the documentary evidence to prove any expense incurred by him in shifting the venue of the marriage. Learned District Forum after going through the material in detail and considering the evidence produced by the parties came to the conclusion that cancellation of the booking which stood in favour of the complainant and its subsequent transfer in favour of Mr. Malik was wholly illegal, arbitrary and violative of principles of natural justice and no notice or opportunity was afforded to the complainant before cancelling the same. On that basis, the complaint has been allowed and a sum of Rs. 10,000/- has been awarded by way of compensation. In the appeal before us, learned Counsel for the appellant has reiterated the stand of the Municipal Council before the District Forum and has contended that firstly the Municipal Council was only rendering social service and its services were not hired for consideration and secondly, there being no evidence of any inconvenience caused by the cancellation of the allotment, the complaint should have been dismissed. After hearing the learned Counsel for the appellant we do not find any merit in the same. The complainant has produced documentary evidence by way of receipts amounting to Rs. 5,000/- before the District Forum and it is after the appreciation of that evidence that finding has been given in his favour with regard to the aforesaid expenses made by the complainant in shifting the venue. Besides this, a sum of Rs. 5,000/- has been awarded by way of compensation for the inconvenience and harassment suffered by the complainant. We are in agreement with the view taken by the District Forum and do not find any ground to interfere in the discretion as the amount of compensation awarded by the learned District Forum is quite justified for the redressal of the grievance of the complainant. Consequently, the appeal is dismissed. Appeal dismissed. _____