

(1996) 06 NCDRC CK 0085

In the National Consumer Disputes Redressal Commission

Muruganandam

APPELLANT

Vs

Executive Engineer and Administrative Officer

RESPONDENT

Date of Decision : 18-06-1996

Acts Referred:

Citation : 1996 1 CPR 43 : 1996 3 CPJ 1 : 1997 1 CLT 538

Hon'ble Judges : V.Balakrishna Eradi , B.S.Yadav , S.S.Chadha ,
R.Thamarajakshi J.

Final Decision : Petition dismissed

Judgement

1. THIS Revision Petition has been preferred by the complainant against the Order dated 16.6.95 of the Tamil Nadu State Consumer Disputes Redressal Commission in A.P. No. 474/95 confirming the order of the District Consumer Disputes Redressal Forum dismissing the complaint.

2. THE complainant was allotted a house in Virudhunagar under Lease-cum-Sale Agreement. THE complainant alleged considerable delay on the part of the opposite party-Tamil Nadu Housing Board in delivering possession of the said house consequent to which he had to incur expenditure on renting a house and several deficiencies in the construction requiring expenditure on repairs to the tune of Rs. 5,103.25. He, therefore, claimed before the District Forum reliefs in this regard. THE opposite party's case was that they had sent a letter to the complainant on 26.8.93 calling upon him to taken possession; however before handing over possession, the complainant was asked to pay one monthly instalment and maintenance charges for May, 1993 and also give declaration Forms 1 and 2 and execute the lease-cum-sale deed. As the complainant made this payment only on 23.3.94, possession was given to him on 3.5.94. THE District Forum found that the default was that of the complainant and that there was no delay on the part of the opposite party. In the result, the District Forum held that the complainant's claim for reliefs was untenable and dismissed the petition. While considering the appeal of the complainant, the State Commission observed that the house having been allotted on lease-cumsale deed basis

belonged to the Housing Board, and the complainant should have got the permission of the Board to effect any repairs therein. THE State Commission also held that the argument of the appellant/complainant that his receipt to the opposite party at the time of taking possession stating that the house was good and in tenantable condition was fraudulently taken by the opposite party from him after the complaint was filed, was bereft of any merit. THE State Commission therefore dismissed the appeal. Aggrieved by this order of the State Commission, the present Revision Petition has been filed before us. We have gone through the records and heard the Authorised Representative for the Revision Petitioner. No fresh points have been brought up in the Revision Petition. There was no appearance for the respondent-opposite party. Notwithstanding the persuasive arguments advanced by the Authorised Representative for the Revision Petitioner, we see no justification in interfering with the concurrent orders passed by the District Forum and the State Commission. The Revision Petition, therefore, stands dismissed. No costs. Petition dismissed.