
(2001) 05 NCDRC CK 0093

In the National Consumer Disputes Redressal Commission

Case No : 752 of 2000

Om Prakash Gupta

APPELLANT

Vs

Mukesh Upadhyay and others

RESPONDENT

Date of Decision : 16-05-2001

Acts Referred:

Citation : 2002 1 CPC 79 : 2002 2 AWC 99 : 2002 5 ALT 29

Advocate : D.P. Wadhwa, C.L. Chaudhry, J.K. Mehra, B.K. Taimni

Judgement

1. Complainant is the petitioner before us. He approached the District Forum with the allegation that respondents did not carry out the terms of the contract of water proofing of overhead tank and two rooms where there was seepage. District Forum was of the view that respondent Nos. 1, 2, and 4 had taken a sum of Rs. 7,500/- as fee from the complainant for the purpose of repairs and there was deficiency in service. District Forum, therefore, directed the respondents to refund Rs. 7,500/- to the complainant. District Forum also awarded Rs. 15,000/- as compensation to the complainant and also cost of Rs. 2,500/-. The claim of the complainant for damage was Rs. 2,35,372/-. Both the complainants and other respondents filed appeal before the State Commission against the order of the District Forum. State Commission was of the view though complainant did claim Rs. 2,35,372/- which was estimate for the purpose of getting things redone in his house, there was no evidence that he did spend any amount for removing the defects alleged by him otherwise State Commission upheld the order of the District Forum.

2. State Commission, however, enhanced the amount of fee to Rs. 10,500/- instead of Rs. 7,500/- payable to the complainant. With these modifications both the appeals were dismissed. Aggrieved, complainant has filed this petition under clause (b) of Section 21 of the Act. There has been a concurrent finding by the District Forum and the State Commission. We have not/been shown any evidence as to how much amount complainant spent in removing the defects. Mere estimate is not enough for awarding compensation when he says he had to

incur that much expense for redoing the things. We, therefore, find no error in the impugned order to take a different view. This revision petition is dismissed.