

(1996) 12 NCDRC CK 0019

In the National Consumer Disputes Redressal Commission

PUNJAB STATE SMALL INDUSTRIES And EXPORT
CORPORATION LTD.

APPELLANT

Vs

VIJAY NAGPAL

RESPONDENT

Date of Decision : 20-12-1996

Acts Referred:

Citation : 1997 1 CLT 691 : 1997 1 CPC 380 : 1997 1 CPR 200 : 1997 2 CPJ 149

Hon'ble Judges : J.B.Garg , Sada Nand , P.Ojha J.

Final Decision : Appeal partly accepted

Judgement

1. VIJAY Nagpal applied for an industrial plot under the self-employment scheme at focal point Urban Estate, SAS Nagar, (Mohali) in the year 1973-74. He wanted to set up an industry for the manufacture of synthetic cryolite. He then changed his mind and instead wanted to set up a foundry on the premises, if allotted. It appears that he was unable to deposit the money required for such a plot and he deposited only a sum of Rs. 7,000/- as subsidies cost of the plot. He was allotted Industrial Plot No. D-145 having a smaller area measuring half an acre and the allotment was conveyed on 2.6.79. Sh. Nagpal was required to submit a project report but it appears that there was delay and omission on his part and the allotment of Plot No. D-145 was cancelled. Sh Nagpal then attempted a writ in the Punjab & Haryana High Court and he succeeded and it was ordered that Plot No. D-145/- Phase VII was to be kept reserved for Sh. Nagpal and its possession was to be delivered on depositing the entire price of the plot. The aforesaid allotment was finalised on 16.4.91 and it appears that the writ was disposed of being in fructuous. However the possession of the plot was not delivered for one technical reason or the other and Sh. VIJAY Nagpal approached the Consumer Disputes Redressal Forum, UT, Chandigarh on 9.3.92 and the District Forum ordered as under: (i) On furnishing requisite stamp duty by the complainant, execute lease deed of the plot allotted to the complainant, in terms of the allotment letter within one month and thereafter, within a week deliver the actual physical possession of the plot to the complainant. (ii). Refund to complainant Rs. 2,450/- being the value of the stamp paper which has gone waste, with

interest @ 18% per annum from the date of purchase of the stamp paper to the date of actual payment. (iii). Pay interest @ 18% per annum to complainant on Rs. 7,000/- from the date of their deposit till actual payment. (iv). Pay to complainant as compensation a sum of Rs. 20,000/- for keeping him out of possession of the plot from 15.2.91 till date. (v). Pay to complainant a sum of Rs. 5,000/- for the physical harassment and mental tension he had to undergo due to the conduct of opposite party. (vi). Pay to complainant Rs. 1,000/- as costs of the complaint. Aggrieved against it the Punjab State Small Industries and Export Corporation Limited and its Estate Officer have come forward in this appeal and challenged the order dated 5.2.96 of the District Forum, UT, Chandigarh.

2. DURING the pendency of the appeal and after preliminary arguments a considerable part of the dispute has been settled and Industrial Plot No. D-112 in Phase VII of the Industrial Focal Point, Mohali, measuring 2500 sq. yds. has been delivered to Sh. Vijay Nagpal on 2.8.96 and a copy of the possession certificate has also been placed on record here. Thus the major relief which was prayed for by the complainant-allottee has been implemented. On behalf of the appellants it has been stressed that it should not have been burdened with interest and compensation as ordered by the District Forum inasmuch as Sh. Nagpal himself had been changing his mind regarding the unit he wanted to set up firstly in respect of the allotment of plot and secondly in respect of area and delay in depositing the required money at one stage and the other. At any rate, the investment on the part of Sh. Nagpal was only Rs. 7,000/- and now he has received the possession of the plot as seen above. It is ordered that the sum of Rs. 2,450/- spent by him on stamp paper and which had gone waste shall be paid by the appellants but the appellants are no longer held liable to pay interest and other compensation enumerated in Clauses (iii), (iv), (v) & (vi) of the impugned order. With these modifications, the appeal is partly accepted and it stands disposed of. Announced. The order be communicated to the parties free of charges. Appeal partly accepted.