

(2001) 12 NCDRC CK 0044

In the National Consumer Disputes Redressal Commission

RAJASTHAN STATE INDUSTRIAL DEVELOPMENT And
INVESTMENT CORPORATION LTD.

APPELLANT

Vs

SOMANI INDUSTRIES

RESPONDENT

Date of Decision : 13-12-2001

Acts Referred:

Citation : 2007 4 CPJ 318

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. PETITIONER was the opposite party in the complaint filed by respondent before the District Forum. It is aggrieved by the order of the Rajasthan State Consumer Disputes Redressal Commission dismissing its appeal and affirming the order of the District Forum which in turn allowed the complaint. Dispute was regarding deduction by the petitioner of a sum of Rs. 21,123 from the refund made to the complainant at his request that the plots allotted to him were not suitable.

2. COMPLAINANT was allotted two plots of land for establishing ginning factory. An amount of Rs. 54,000 was deposited on 24.9.1990. Since plots were not suitable for establishing the factory, on the application of the complainant other plots were allotted which were of the same area. However, a further demand was created. COMPLAINANT deposited a further sum of Rs. 50,000 on 14.1.1991. A sum of Rs. 1,489 was also deposited against the plots. However, when the complainant inspected the site it was found that the plots were in dispute with the third party on which account petitioner cancelled the allotment. Petitioner, therefore, sought refund of the money paid by him. But then the petitioner sought to reallocate the plots but this time complainant was not willing to establish industry and demanded the refund of the deposit made by him. Refund was made by the petitioner after deducting Rs. 21,123 as per relevant RICCO Land Settlement Rules, 1979.

Complaining deficiency in service complaint was filed. It was submitted that the

relevant rules will not be applicable inasmuch as plots allotted were in dispute and allotment had to be cancelled. For this complainant could not be blamed. Accepting the complaint District Forum directed refund of the aforesaid amount of Rs. 21,123 with interest @ 12% per annum from the date of deposit till payment. Cost of Rs. 300 was also awarded. Appeal filed by the petitioner before the State Commission was dismissed. Aggrieved, petitioner has come before us. We see no ground to interfere under Clause (b) of Section 21 of the Consumer Protection Act, 1986. This revision petition is dismissed. R.P. dismissed.