

(2010) 05 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

Silverton Coop. House Building Society Ltd.

APPELLANT

Vs

Union Territory, Chandigarh , AMARJIT KAUR , Union
Territory, Chandigarh Through its Finance Secretary,
Chandigarh Administration , Chairperson Chandigarh Housing
Board , Estate Officer, U.T. Es

RESPONDENT

Date of Decision : 26-05-2010

Acts Referred:

Citation : 2010 0 NCDRC 90

Hon'ble Judges : B.N.P.Singh , S.K.Naik J.

Advocate : S.S.Khetarpal , Divyesh P.Singh , Rachna Joshi Issar

Judgement

1. AFTER Chandigarh Administration floated a scheme called The Chandigarh Allotment of Land to the Cooperative House Building Societies Scheme 1991 for allotment of land to House Building Societies for construction of dwelling units to be allotted to their eligible members, Smt. Saroj Bala Bakshi, a member of petitioner society, made deposit of Rs.12,200/- on 29th May, 1992 being 10% cost of plot in favour of Estate Officer, U.T., Chandigarh. In terms of direction of Honble Punjab and Haryana High Court, 25% earnest money was required to be deposited along with interest @ 18% per annum. Smt. Saroj Bala Bakshi made further deposit of Rs.67,000/- in account of petitioner society with Chandigarh Housing Board.

2. SMT. Amarjit Kaur too to avail benefit of the aforesaid scheme made initial deposit of Rs.12,200/- being 10% cost of plot on 26th May, 1992 in favour of Estate Officer. This was followed by further deposit of Rs.66,100/- on 5th May, 1999 in account of petitioner society with Chandigarh Housing Board in terms of direction of the Honble High Court. Since there was enhancement of tentative cost and both Smt. Saroj Bala Bakshi and Smt. Amarjit Kaur getting handicapped to meet enhanced cost of plot sought refund of deposits made by them. In case of Smt. Saroj Bala Bakshi though petitioner society made refund of Rs.36,300/- through a cheque on 12th May, 2006, she had a grouse that residual amount of

Rs.33,300/- along with interest had been retained by petitioner society. In case of Smt. Amarjit Kaur against deposit of Rs.66,100/- petitioner society refunded Rs.36,300/- and residual amount of Rs.29,400/- along with interest was withheld by them.

Though defence set up by petitioner society before fora below was that they could refund deposit made by Smt. Amarjit Kaur and Smt. Saroj Bala Bakshi only on receipt of amount from Chandigarh Housing Board, fora below did not find merit in contentions raised. Conversely, defence of Chandigarh Housing Board was that deposits made by Smt. Saroj Bala Bakshi and Smt. Amarjit Kaur were never passed on by petitioner society to Chandigarh Housing Board and hence they were not liable for refund of amount to them. State Commission on examination of issue found that though amount in question was deposited in account of petitioner society with Chandigarh Housing Board, that amount was never passed on to the Board. As residual amount had not been paid to Smt. Saroj Bala Bakshi and Smt. Amarjit Kaur they knocked door of consumer fora filing complaints with District Forum. District Forum having analyzed issue finding deficiency in service on part of petitioner society directed it to refund Rs.29,800/- to Smt. Amarjit Kaur along with interest @ 8% per annum w.e.f. 12th June, 2004 as also cost of litigation of Rs.2500/-, likewise in case of Smt. Saroj Bala Bakshi petitioner society was made liable to refund Rs.30,300/- to her along with interest @ 8% per annum w.e.f. 12th May, 2006 as also litigation cost of Rs.2500/-. This finding of fact was also affirmed by State Commission in appeal. Since deposits in question were made by Smt. Saroj Bala Bakshi and also Smt. Amarjit Kaur with petitioner society, which fora below did not find to have been deposited with Chandigarh Housing Board, it was liability of petitioner society to refund deposit made by them when they felt handicapped to meet enhanced cost of flat and sought refund of deposit. We do not find material irregularity or jurisdictional error in finding of State Commission requiring our interference in revision. Revision petitions, in the circumstances, are dismissed with no order as to costs.