
(1992) 01 NCDRC CK 0029

In the National Consumer Disputes Redressal Commission

SUDHAKAR VINAYAK SAPRE

APPELLANT

Vs

SANMITRA HOUSING OF BAJAJ NAGAR

RESPONDENT

Date of Decision : 18-01-1992

Acts Referred:

Citation : 1992 2 CPJ 673

Hon'ble Judges : G.G.Loney , M.G.Gavai , Elipe Dharma Rao J.

Final Decision : Complaint returned

Judgement

1. WE have perused the complaint. Although the complaint has been valued for purposes of jurisdiction in excess of Rs. 1,00,000/-, the relief claimed by the complainant is for possession and the payment of balance amount of Rs. 24,000/- only. WE find that the same complaint was registered on the file of District Forum, Nagpur bearing No. 246/91. The District Forum, Nagpur by an order dated 3.1.92 return the complaint to the complainant for presentation to the proper Forum or Commission. The reason given by the District Forum is that the value of the flat is more than Rs. 1,50,000/- plus Rs. 24,000/- which exceeded the jurisdiction of District Forum.

2. SECTION 11 of the Consumer Protection Act defines the jurisdiction of District Forum. Under the said provision, it is provided that the valuation of the complaint has to be determined on the basis of the value of the goods or services and the compensation if any claimed (*italicised is ours*). In other words, it means that the valuation for purposes of jurisdiction has to be computed on the basis of the amount claimed. The flat in question is certainly not a goods. The complaint is essentially about the deficiency in the service where the claim is for Rs. 24,000/- only in addition to the possession of flat. For purposes of possession, no valuation is required to be computed as this is not a Civil Court. Hence, in our view, this complaint falls within the jurisdiction of the District Forum, Nagpur. We, therefore, return this complaint to the complainant with a direction to file it in the District Forum, Nagpur. We further direct the District Forum, Nagpur to entertain this complaint and decide it according to Law: Complaint returned.