

(1997) 07 NCDRC CK 0080

In the National Consumer Disputes Redressal Commission

SUDHIR KUMAR SINGHAI

APPELLANT

Vs

EXECUTIVE ENGINEER, M.P.GRIH NIRMAN MANDAL

RESPONDENT

Date of Decision : 07-07-1997

Acts Referred:

Citation : 1997 3 CPJ 302 : 1998 1 CPC 431

Hon'ble Judges : R.K.Verma , Saroj Rajwade J.

Final Decision : Case remanded

Judgement

1. THIS appeal is directed against order-dated 4.7.95 in Case No. 80/92 passed by District Consumer Disputes Redressal Commission, Guna (thereafter referred to as District Forum). The main grievance of the appellant is that the District Forum has not adjudicated on all points raised by him in his complaint. He has specifically mentioned about his allegations regarding substandard material used in construction and defective workmanship resulting in seepage of water. He has also mentioned defective electrical fittings. These points were important because the appellant was aware of the rules of the Housing Board and had taken precaution, before taking possession, of writing several letters to Housing Board. He has attached all the documents with his appeal.

2. WE have heard both the parties and have perused the record of the case. Perusal of record reveals that: (a) Appellant/original complainant had asked the Housing Board to give him necessary drawings and specifications to enable him to satisfy himself regarding quality of material, fittings, lay out etc. This was specifically done by him because allotment order of Feb., 1992 required him to satisfy himself. (b) Possession of the flat was given 3 years late resulting in escalation of costs. (c) The appellant took care to attach a letter while taking possession, to Housing Board stating that defects pointed out by him have not been rectified. This was done by him to get over the condition imposed by Housing Board that no complaint would be entertained after taking possession. (d) Appellant has demonstrated the efforts made by him, by writing letters to get defects rectified.

Perusal of the order dated 4.7.95 reveals that District Forum has only considered the point regarding escalation in cost and have given findings about it. The point regarding unusual delay and therefore deficiency in service and lack of transparency in dealings with consumers by refusing to give drawings and specifications even when asked for, have escaped their attention completely. We, thus find lot of force in the appeal, made by the appellant. In view of the above, the order of District Forum is not maintainable and deserves to be set aside.

Since the appellant, in his appeal has prayed for remanding the case, we accept the prayer and remand this case to the District Forum with the directions, that the case be heard "de novo" on all the points raised by the appellant in his applications as per law and procedure and giving due advertance to our observation in paras 2 and 3 of this order. The case may be decided as expeditiously as possible. Case remanded. _____