

(2004) 10 NCDRC CK 0044

In the National Consumer Disputes Redressal Commission

SUGNO KHITANI

APPELLANT

Vs

SAI SEVA CONTRACTORS AND DEVELOPERS

RESPONDENT

Date of Decision : 28-10-2004

Acts Referred:

Citation : 2005 1 CPJ 470

Hon'ble Judges : M.S.Rane , V.K.Data J.

Advocate : Geeta Hatkar

Judgement

1. THIS complaint is listed on our today's Board for admission. It is, however, noticed that the basic claim in the complaint in respect of two warehouses is about Rs. 1,15,000/-. The complainant has added other benefits such a compensation/damages, interest, etc. and filed the complaint herein.

2. IN view of two judgments of the National Commission in the cases of Shahbad Co-operative Sugar Mills v. National INSurance Co. Ltd. and Others, reported in II (2003) CPJ 81 (NC)=2003 CTJ 453 (CP) (NCDRC) and in the case of Vijay Shankar v. Mandeep Singh and Others, reported in II (2003) CPJ 170 (NC), and as recently held by us in the group of complaints being Complaint Nos. 233, 234 and 235/2003 in that case of Mr. Ramesh Unhavane and Others v. M/s. Rapid Developers and Others, decided on 20th November, 2003, the benefits claimed either by way of interest or compensation not to be added for the purpose of determination of the valuation of the subject matter of the complaint for the purpose of pecuniary jurisdiction. In view thereof, we find that the claim in the complaint is not maintainable in view of valuation of the subject matter being less than pecuniary jurisdiction of this Commission.

We, therefore, order return of the complaint to the complainant for presenting before appropriate Forum. ORDER 1. We order return of the complaint to the complainant for want of pecuniary jurisdiction. 2. Office shall return the complaint to the complainant on 18th November, 2004 and shall retain one set of complaint with it. 3. Complainant or his authorised representatives shall arrange to receive the same without fail. 4. Two weeks time will be available thereafter to

the complainant to approach before the appropriate Forum. 5. Copies to be furnished to the parties.

Complaint returned.