
(2016) 09 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

Case No : 2606 of 2016

TAPAN MOHAN SOOD

APPELLANT

Vs

M/S. CENTRAL GOVT. EMPLOYEES WELFARE HOUSING
ORGANIZATION & ANR.

RESPONDENT

Date of Decision : 08-09-2016

Acts Referred:

Citation : (2016) 09 NCDRC CK 0037

Hon'ble Judges : D.K. Jain, M. Shreesha

Advocate : J S KAHLON

Final Decision : Petition Dismissed

Judgement

1. Since the facts and the point of law involved in these Revision Petitions are identical, the same are being disposed of by this common order.

2. These Revision Petitions, by the Complainants, are directed against a common order dated 16.06.2016 passed by the State Consumer Disputes Redressal Commission, Punjab at Chandigarh (for short "the State Commission") in Appeals No.716, 811 and 1579 of 2014. By the impugned order, the State Commission has affirmed the orders dated 28.04.2014 and 12.08.2014 passed by the District Consumer Disputes Redressal Forum, SAS Nagar, Mohali (for short "the District Forum") in Complaints No.513 and 438 of 2013 and 234 of 2014 respectively, in awarding compensation of a sum of 2,25,000/- to each of the Petitioners on account of the defects in the flats allotted to them by the Respondent Organization. In these Petitions, the Petitioners pray for enhancement of the said compensation.

3. It is not in dispute that the issue raised in the present Revision Petitions has already been examined by this commission in Revision Petition No.1488 of 2016 Nasib Singh vs. Central Government Employees Welfare Housing Organization & Anr. and connected matters and by final order dated 12.08.2016, similar Revision Petitions filed by the Complainants have been dismissed. Rather, while allowing

the Revision Petitions preferred by the afore-said Organization, the Opposite Party in the Complaints, the compensation awarded to the Complainants by the District Forum and affirmed by the State Commission, has been reduced from 2,25,000/- to 1,00,000/-, observing thus: 18. Having arrived at the said conclusion, the question surviving for consideration is as to what should be the adequate compensation to which the Complainants are entitled to? In this behalf, it is pertinent to note that while dismissing the appeals preferred by CGEWHO, State Commission had permitted the Complainants to withdraw an amount of 75,000/-, deposited by the said Organization in compliance with its order, in addition to the statutory deposit of 25,000/- at the time of filing of the appeals, as also the interest accrued thereon, if any. However, when these cases came up for motion hearing on 12.04.2016, upon hearing Ld. Counsel for both the parties at some length, while staying the operation of the impugned order, each of the Complainants were permitted to withdraw a sum of 75,000/-, but with a rider that they will not sell or create third party interest in the subject flats/dwelling units, save and except letting out the same. Bearing in mind the entire factual scenario, referred to elaborately in the impugned order and abridged above, we are of the opinion that the interests of justice would be subserved by reducing the amount of compensation awarded by the Fora below @ 2,25,000/- to 1,00,000/- to each of the Complainants. The net effect of this direction would be that those complainants who have withdrawn the said amounts in terms of the impugned order dated 17.12.2015, (75,000/- + 25,000/- with interest accrued thereon, if any) from the State Commission, shall not be required to refund the same and those who have not withdrawn the aforesaid amounts shall be entitled to withdraw the same forthwith. Shortfall, if any, in the said amount(s) shall be made good by CGEWHO within four weeks of the receipt of this order. The aforestated restraint, imposed on the Complainants in the said interim order, stands vacated.

4. In light of the said decisions, which is on all fours to the facts at hand, the Revision Petitions deserve to be dismissed. It is ordered accordingly .