

(1999) 05 NCDRC CK 0019

In the National Consumer Disputes Redressal Commission

Varinder Singh

APPELLANT

Vs

PUNJAB SMALL INDUSTRIES AND EXPORT CORPORATION
LIMITED

RESPONDENT

Date of Decision : 03-05-1999

Acts Referred:

Citation : 1999 1 CPC 654 : 1999 2 CLT 423 : 1999 3 CPJ 351

Hon'ble Judges : J.B.Garg , P.K.Vasudeva J.

Final Decision : Appeal dismissed

Judgement

1. THE complainant, Varinder Singh applied for an industrial plot at Mohali and in this regard he deposited a sum of Rs. 1,000/- on 28.7.1986 but his request was declined and a complaint instituted by him in this regard was dismissed by District Forum-II, Chandigarh on 3.7.1997. Aggrieved against it, the present appeal has been attempted.

2. VARINDER Singh deposited a sum of Rs. 1,000/- as earnest money vide Bank Draft No. DD/KKS 852312 dated 28.7.1986 and he was a candidate for allotment of an industrial plot measuring 1,000 sq. yds. claiming that he was a "Sikh Migrant". On 8.5.1989 a meeting of Allotment Committee headed by Shri J.S. Maini, I.A.S., Director of Industries, Punjab was held and while dealing with item No. 3 it was decided that industrial plots were not to be allotted at S.A.S. Nagar under the category of Sikh Migrants and such claimants were placed under the "General" category. As a result of this decision the complainant was not entitled to allotment in the category "Sikh Migrants" under which he applied. Thus we hold that the fact that no plot was allotted to him did not constitute deficiency. The learned Counsel for the appellant has stressed that even the deposit of Rs. 1,000/- made by him on 28.7.1986 has not been refunded to him. In this regard the relevant part of para 4 of the affidavit of Shri S.P. Verma, Regional Manager (Legal), Punjab Small Industries and Export Corporation Limited, Chandigarh, is reproduced as under : "Accordingly the opposite party sent a cheque No. 614556 dated 11.9.1989 drawn on Punjab National Bank for a sum of Rs. 1,000/- to the

complainant vide letter No. 12522-23 dated 19.9.1989, under Certificate of Posting, at the following address of the complainant : Varinder Singh Nagpal S/o Shri Harnam Singh Nagpal H. No. 1582, Phase V, Mohali, Distt. Ropar. which was duly received by the complainant. (Photocopy of the letters mentioned above are attached, which be also read as part of this Affidavit). This shows that the refund of Rs. 1,000/- was made and it cannot be said that there was any kind of deficiency in this regard as well. It may be clarified that in order of the Forum it has been mentioned that a sum of Rs. 29,741/- was refunded to the complainant. The figure 29741 in fact was printed number of the deposit receipt and not of money deposited. The sum deposited by complainant was only Rs. 1,000/-. Thus Sikh migrants to which the complainant allegedly belonged, was not a category eligible for preferential allotment and the refund of earnest money i.e. Rs. 1,000/- has been made by the respondent. The complaint instituted on 31.1.1994 was also barred by time. The conclusion is that no interference is called for and the appeal is hereby dismissed. Appeal dismissed.