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**(2004) 02 NCDRC CK 0074**

**In the National Consumer Disputes Redressal Commission**

ZUJARBHAI Y. KATAWALA

APPELLANT

Vs

MAROL LAND DEVELOPERS

RESPONDENT

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**Date of Decision :** 26-02-2004

**Acts Referred:**

**Citation :** 2005 2 CPJ 631

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

**Advocate :** Tanuja Saharia

**Final Decision :** Complaint Returned

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**Judgement**

1. THE complaint is placed on to day's Board under the caption of admission hearing.

2. THE complainant is a shop purchaser and has made agreement on 23.11.1997 with the Builder, copy whereof is placed on page 16 onwards being annexed to the complaint. On page 10 of the agreement total agreed consideration mentioned is Rs. 7,10,000/-.

The complainant has alleged that despite payment of substantial part of consideration, the Builder has not yet given possession and hence the complaint.

3. WE have perused the statement of claim appearing on page 67 of the complaint, wherein the complainant has proceeded to mention present value of the shop to the extent of Rs. 63,60,000/-. We do not want to comment thereupon. The complaint has been filed on 19.1.2004 before this Commission.

4. HOWEVER, as far as this aspect is concerned, the National Commission in the case of Shahbad Co-operative Sugar Mills v. National Insurance Co. Ltd. & Ors. reported in II (2003) CPJ 81 (NC)=2003 CTJ 453 (CP)(NCDRC) & in the case of Vijay Shankar v. Mandeep Singh & Ors., reported in II (2003) CPJ page 170 (NC) and as recently held by us in the group of complaints being Complaint Nos. 233, 234 and 235 of 2003 in the case of Mr. Ramesh Unhavane & Ors. v. M/s. Rapid Developers and Ors., 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 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 being to the extent of Rs. 7,10,000/- only. We, therefore, order return of the complaint to the complainant for presenting before appropriate Forum. Hence the order. ORDER 1. We order return of the complaint to the complainant for presentation before appropriate Forum. 2. Complainant shall arrange to collect the record and proceedings of the complaint from the Registry of this Commission on 11.3.2004. 3. Two weeks" time thereafter will be available to the complainant to approach the appropriate District Forum. 4. Office shall retain one set of the complaint for the purpose of record. 5. As far as this Commission is concerned, matter to be treated as closed. 6. Office shall furnish copies of the order to the parties.

Complaint returned.