

Shiv Shankar Vs. Delhi Development Authority and Another.

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Sep-15-2010

Judge : Barkat Ali Zaidi, President & M.L. Sahni, Member

Appeal No. : First Appeal No. 2010 of 309

Appellant : Shiv Shankar

Respondent : Delhi Development Authority and Another.

Judgement :

Barkat Ali Zaidi, President (Oral):

1. The short facts of the case are that the complainant, an occupant of Jhuggi No. A-488, Ambedkar Camp, Nehru Place, New Delhi situated on the land of OP respondent, on receipt of a letter of information dated 21.4.2004 from the OP that he can file a proposal-cum-request for allotment of an alternate plot after fulfilling the conditions contained therein, the complainant deposited Rs. 14,000 and applied for allotment of a corner plot before the OP Delhi Development Authority. The OP did not allot the plot. He, therefore, filed a complaint before District Forum with a prayer that the OP be directed to allot a plot in his favour and to give possession and to pay him a compensation of Rs. 7,43,000. Proceedings were ex parte against the OP before the District Forum. The District Forum on consideration of evidence of the complainant found that the OP DDA had made no

allotment in favour of the complainant, and mere completion of the formalities for making a proposal-cum-demand, does not create any actionable claim in favour of the complainant. He had also earlier filed a civil suit in this regard which he had subsequently withdrawn without seeking any liberty to file a fresh suit or some appropriate proceedings before any forum. The District Forum therefore dismissed the complaint.

2. That is what brings the appellant complainant in appeal before this Commission. We have heard Mr. R.R. Singh, Counsel for the appellant.

3. It will seem from the letter dated 21.4.2004 of the respondent DDA sent to the appellant that the complainant was asked to make a proposal and a request before the OP/ respondent after depositing licence fees, etc. and fulfilling some other formalities for the allotment of a plot, subject to the condition contained in letter dated 21.4.2004. The complainant fulfilled the formalities but the OP did not accede to his request and did not allot the plot. Mere making a proposal and demand after fulfilling the formalities pursuant to the letter of the OP does not give any actionable right to the complainant to claim the allotment of a plot in his favour and the District Forum cannot ask the respondent DDA to allocate a plot in his favour. The District Forum was, therefore, wholly justified in dismissing the complaint of the appellant. Appeal has no merit and is dismissed in limine.

4. A copy of this order as per the statutory requirements be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room.

Appeal dismissed.

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