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Surinder Pal Sharma Vs. Delhi Development Authority

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Jul-06-2010

Judge : B.a. Zaidi, Presiding Member &Amp; the Honourable Ms. Justice Salma Noor, Member

Appeal No. : Appeal No. FA-08 of 448

Appellant : Surinder Pal Sharma

Respondent : Delhi Development Authority

Judgement :

Salma Noor, Member:

1. This appeal has been filed by the complainant/appellant against the order dated 11th March, 2008 passed by the District Fourm-II, Udyog Sadan, C-22 and 23, Institutional Area, Behind Qutab Hotal, New Delhi-110016 in complaint case No. 200/2006, by which the complaint of the complainant/appellant was allowed against the respondent-Delhi Development Authority in the manner that the respondent Delhi Development Authority was directed to pay a sum of Rs. 20,000 as compensation and Rs. 5,000 as cost of litigation. Dissatisfied with quantum of compensation, the complainant/appellant has filed this appeal praying for enhancement of compensation amount.

2. Brief facts of the case are that the appellant for NPRS Scheme 1979 floated by the respondent- Delhi Development Authority for allotment of MIG/LIG flats and deposited Rs. 1,500 as registration money on 25.9.1979 and was assigned priority No. 49338 for allotment. He however, applied for refund of his registration money on 27.5.2004, the respondent-Delhi Development Authority examined the matter and after submission of photographs with three specimen signature, and public hearing on 4.10.2004 cancelled the allotment on 29.12.2004 and refund of registration money was made by the cheque No. 33764 dated 28.1.2005 for Rs. 4,124. After the decision to cancel the registration on 29.12.2004 the appellant made a written request for not canceling his registration and to reconsider the decision of cancellation of the registration of the said flat. Complainant further states that without giving any reason for not re-reconsidering the said requests, respondent-Delhi Development Authority cancelled his registration of flat and refunded the registration money. Aggrieved by the said behaviour of the OP/Respondent-Delhi Development Authority complainant filed the complaint in the District Forum-II demanding Rs. 2,00,000 as compensation.

3. Notice was issued to OP and written statement was filed; rejoinder and evidence by way of affidavit was filed by the complainant. OP also filed his evidence supported by affidavit. Written arguments were also filed by both the parties.

4. After hearing the arguments of both the parties and perusal of the records the Ld. District Forum found the deficiency in service on the part of the respondent for delaying the complainants request for cancellation of his registration and not refunding the amount till 21.2.2005 as well as not considering his request of withdrawal of early request (not to cancel his registration), while the complainant was not informed about OPs (DDA) order dated 29.12.2004 and directed the OP to pay Rs. 20,000 as compensation and Rs. 5,000 as litigation charges.

5. Aggrieved by that order this appeal has been filed by the complainant/appellant for enhancement of compensation. Notice of the appeal was issued to the respondent on which the respondent filed his written reply. Both the parties also filed arguments by the way of affidavits.

6. The appellant stated that flats were allotted to all the applicants of NPRS-1979 in March, 2006 and the actual cost of the allotted flat is about Rs. 2,00,000 and, therefore, he should get the compensation of Rs. 2,00,000 as prayed in his complaint before the District Forum. The respondents Counsel denied the claim of the appellant on his counter affidavit and by oral arguments.

7. We have gone through the record on file as well as impugned order and have heard the Appellant in person and Ld. Counsel for respondent. We are of the considered view that there was delay in accepting the application of the appellant for the refund of the registration money; that there was also delay in refund the registration money and that his application for withdrawal was not considered, as the cancellation or registration was already done before the request of withdrawal application for refund of registration money was submitted. On careful consideration we find that the compensation awarded by the Ld. District Forum is adequate. The plea of the appellant that the cost of the flat allotted under the Scheme in 2006 was nearly Rs. 2,00,000 is not sufficient ground because the flats were allotted after a considerable time and for those who waited for the benefit. Besides the appellant never pleaded for restoration of his registration before Ld. District Forum.

8. We, therefore, feel no necessity to interfere with the decision of the Ld. District Forum and dismiss the appeal.

9. FDR, if any, deposited by the appellant be released after completing due formalities.

10. Copy of this order be provided to the parties free of cost and a copy of this order be also sent to concerned District Forum and thereafter, file be consigned to record room.

Appeal dismissed.

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