

Gayatri Gupta Vs. Palaseem Developers (i) Pvt. Ltd.

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Jan-15-2008

Judge : J.D. Kapoor, President & the Honourable Ms. Justice Rumnita Mittal, Member

Appeal No. : Appeal No. 832 of 07

Appellant : Gayatri Gupta

Respondent : Palaseem Developers (i) Pvt. Ltd.

Judgement :

Mr. Justice J.D. Kapoor, President (Oral):

1. Limited grievance of the appellant against the impugned order dated 18.9.2007, whereby the complaint of the appellant seeking compensation on account of late delivery and possession of the shop was dismissed is that the District Forum has not at all taken into consideration the actual facts. According to the Counsel for the appellant the entire payment of consideration for the shop allotted to the appellant was made on September 2004 and the sale deed was also executed in September 2004, wherein it was mentioned that the possession of the shop has been given to the appellant but in actuality the possession was given on the intervention of the District Forum in January 2007 and therefore the District Forum has not granted any compensation by way of interest of otherwise by taking view that the

possession of the shop has already been given in September 2004.

2. Aforesaid facts persuade us to allow the appeal at the outset, set aside the impugned order and send back the matter to the District Forum for deciding it afresh after considering the aforesaid factual discrepancies occurred in the order.

3. The appellant shall appear before District Forum on 18.2.2008 for the aforesaid purpose.

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 allowed.

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