

**Satender Kumar Jain Vs. Delhi Development Authority**

**Satender Kumar Jain Vs. Delhi Development Authority**

**SooperKanoon Citation :** [sooperkanoon.com/1112491](http://sooperkanoon.com/1112491)

**Court :** Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

**Decided On :** Jan-18-2005

**Judge :** J.D. Kapoor, President; Mr. Mahesh Chandra Member & Ms. Rumnita Mittal, Member

**Appeal No. :** Appeal No. 2167 of 2001

**Appellant :** Satender Kumar Jain

**Respondent :** Delhi Development Authority

**Judgement :**

J.D. Kapoor, President:

1. This is a case of double allotment. The appellant, a handicapped person, was allotted a shop No. 31 in the Convenient Shopping Complex, Kondli Gharoli. There is no dispute that he had paid Rs. 1,24,670/- including the amount of Rs. 9,000/- towards stamp duty charges for the execution of the perpetual lease. When he visited the site to take possession of the said shop, he was shocked to find that said shop had already been allotted to some ex-serviceman. Having been held guilty for grossest kind of deficiency in service, the respondent has been, vide order dated 15.9.2001, given the following directions:

That O.P. to allot shop No. 5, Ground Floor, CSC No. 2, Kondli Gharoli, Sector B of 19.34 sq. ft. area or shop No. 6, Ground Floor, CSC No. 1 Kondli Gharoli,

Sector A of 18.69+8.00 sq. ft. as per the choice of the complainant. The complainant shall submit his choice in writing through registered post to the O.P. within 15 days from the date of receipt of a copy of this order. So far as the cost is concerned the O.P. shall charge the cost of 8.8 sq. mts. of area at the rate previously offered to him i.e., for Rs. 1,13,800/- and for the remaining area the cost shall be calculated at the rates prevailing in September, 2001. The calculations shall be made accordingly and intimated to the complainant within 15 days of the receipt of the choice from the complainant. Other terms and conditions of the allotment should remain the same as were mentioned in the demand notice dated 22.12.1993 or in the terms and conditions of the lease documents as submitted by the complainant on 14.11.1995. The conveyance and stamp charges as suffered by the complainant in submitting the conveyance-cum-lease deed papers on 14.11.1995 shall also be defrayed by the O.P. to the complainant and the present such charges shall be borne by the complainant. The O.P. shall also pay cost and compensation of Rs. 20,000/- to the complainant within one month or shall adjust this amount in the total cost of the shop to be allotted to the complainant to be calculated according to above directions.

2. Grievance of the appellant against these directions is that three shops which are lying vacant and were offered by the respondent for allotment are of 19.34 sq. mts. area whereas the original shop allotted was of 8.80 sq. mts. area and he being a handicapped person is not in a position to pay the cost of the shop which is more than double of the area of the original shop.

3. In view of the fact that no shop of area of 8.8 sq. mts. is left with the respondent for allotment to the appellant coupled with the inability of the appellant to purchase a shop of 19.34 sq. mts. area, we are left with no other option but to direct the respondent not only to refund the amount which was received and retained by the respondent towards the cost of the shop allotted to the appellant and due to highly negligent act on the part of the respondent, the shop was allotted to some other person but also to direct it to compensate the appellant adequately.

4. We allow the appeal by modifying the impugned order to the extent that respondent shall pay an amount of Rs. 1,15,000/- with interest @ 12% p.a. w.e.f.

the date of allotment of the shop till realisation and shall further pay compensation of Rs. 15,000/-. Since we have awarded interest, we have reduced the amount of compensation from Rs. 20,000/- to Rs. 15,000/-.

5. FDR/Bank Guarantee, if any, submitted by the appellant be returned to the appellant forthwith under proper receipt.

6. 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 the Record Room.

Appeal allowed.

**SooperKanoon - India's Premier Online Legal Search - [sooperkanoon.com](http://sooperkanoon.com)**