

K.C. Jain vs. D.D.a.

K.C. Jain vs. D.D.a.

SooperKanoon Citation : sooperkanoon.com/1114265

Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Aug-31-1994

Judge : Justice R.N. Mittal, President & the Honourable Ms. Justice Dr. a.N. Saxena, Member

Appeal No. : Case No. A-165 of 1992

Appellant : K.C. Jain

Respondent : D.D.A.

Judgement :

R.N. Mittal, President:

1. This appeal has been filed by the complainant against the order of the District Forum (DF) dated 1-992 by which his complaint was dismissed.
2. Briefly the facts are that the complainant applied for a flat in 1987 under retired persons category to the DDA and a flat was allotted to him by them in May '89. He had made that application on the basis that he had applied for voluntary retirement. In December '87 his application was rejected by the government. After the rejection of the application he did not remain eligible for allotment of the flat.
3. However, he was allocated a flat in 1989. He had deposited the price of the flat in instalments as required. The O.P. after allocation of the flat asked him to furnish

retirement certificate which he failed to do. Consequently his allotment was cancelled. It is stated by him that he is entitled to interest on the amount deposited by him with the DDA.

4. The complaint was contested by the O.P. They inter alia pleaded that the complainant concealed the material facts regarding his retirement and therefore, he was allotted a flat. If it had been brought to the notice of the O.P. that his application for voluntary retirement had been rejected, he would not have been allotted the flat.

5. The District Forum dismissed the complaint holding that in the facts and circumstances of the case the complainant was not entitled to any interest. He has come up in appeal.

6. We have heard the appellant in person and the Learned Counsel for the O.P. After hearing them we find no sufficient ground to interfere with the order of the District Forum. It was the duty of the appellant to have informed the DDA in December '87 that his application for voluntary retirement had been rejected. However, with the intention to get the flat, to which he would not have been otherwise entitled, he concealed the fact. It was not expected of any retired government servant especially of him, who was holding responsible post in MTNL.

7. After taking into consideration all the aforesaid circumstances, we find that the decision of the District Forum is correct and there is no scope for interference with it.

For the aforesaid reasons we find no merit in the appeal and dismiss the same with costs. Costs Rs. 500/-.

Appeal dismissed.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com