

Delhi Development Authority Vs. Ram Chander

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Mar-23-1993

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

Appeal No. : Case No. A-174 of 1992

Appellant : Delhi Development Authority

Respondent : Ram Chander

Judgement :

R.N. Mittal, President:

1. This appeal has been filed against the order of District Forum No. 1 dated 21/24th August, 1992 for directing the respondent to get rectified the cracks in the roof and the wall joints in the flat allotted to the complainant.

2. Briefly the facts are that Shri Ram Chander complainant was allotted a LIG flat in Dilshad Garden, Shahdara, Delhi-110095, in February, 1985. It is alleged by the complainant that immediately after the allotment of the flat, the iron bars in roof of his flat become visible and cracks developed in the walls. A complaint was lodged with the D.D.A. and an Assistant Engineer inspected the house in November, 1987 and admitted in his letter on 10.11.1987 that there were cracks in, the roof and the walls which required rectification.

3. It is pleaded that the house has not been repaired by the opposite party inspite of repeated requests. Consequently, it is prayed that the opposite party director to carry out the necessary repairs.

4. The opposite party contested the claim and pleaded that the flat was handed over to the complainant in good condition and therefore, he was not entitled to any relief.

5. The learned District Forum after examining the evidence on the record came to the conclusion that the material use in the flat was not according to the specifications and the structural defects remained therein due to laxity in supervision at the time of construction. Consequently, they directed the opposite party to rectify the defects. The opposite party has come up in appeal before the State Commission.

6. The only question that arises for determination is whether material according to the specifications was not used by the D.D.A. in construction of the flat. The learned Counsel for the appellant has vehemently argued that the complainant, respondent did not make any protest regarding the material at the time of delivery of the possession. He pointed it out, after expiry of a long period. According to the agreement between the parties the complainant was not entitled to any relief as claimed by him.

7. They have only considered the argument but regret our inability to accept the same. The Asstt. Engineer after inspection of the flat observed in his letter dated 10th November, 1987 that the cracks similar to the Group-IV site (Under strengthening) had developed in the roof slab. He suggested that a similar action, as was taken in Group IV houses be taken by providing R.S. Joist at the center of the roof slab and M.S. flats at the wall junctions to strengthen the slab and walls. From the above said letter it is clear that the flat had developed cracks due to substandard material. It cannot be believed that a new flat would develop cracks within a period of about two years if proper material had been used. It is not possible for an allottee of a flat to find out at the time of delivery of the possession, that sub-standard material had been used in constructing that. It is only after the use of the flat for same time, they can find out the defects. The learned District

Forum, in our view was right in holding that the cracks in the roof and walls developed on account of sub-standard material having been used by the D.D.A. A consumer cannot be allowed to suffer on account of negligence on the part of the appellants officers. After taking into consideration all the circumstances of the case, we find no substance in the contention of the learned Counsel for the appellant and reject the same.

8. For the aforesaid reasons we do not find any merit in the appeal and dismiss the same with costs. Costs Rs. 500/-.

Appeal dismissed with costs.

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