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Court : National Consumer Disputes Redressal Commission NCDRC

Decided On : Oct-29-2012

Judge : K.S. Chaudhari, Presiding Member & the Honourable Mr. Suresh Chandra, Member

Appeal No. : REVISION PETITION NO.2335 OF 2012

Appellant : Subodh Kumar Baheti

Respondent : Delhi Development Authority Housing Department Office of the Director (Lig) and Another

Judgement :

SURESH CHANDRA, MEMBER

Petitioner “ Subodh Kumar Baheti who is resident of Bhilwara, Rajasthan filed a consumer complaint before the District Consumer Disputes Redressal Forum, Bhilwara, Rajasthan against the OPs No.1 and 2, namely, Delhi Development Authority, New Delhi and Nodal Branch of ICICI Bank, Green Park Extension, New Delhi who are respondents No.1 and 2 respectively herein.

2. Briefly stated, petitioner had applied for allotment of a house by the DDA and sent the requisite form dated 8.9.2008 along with a demand draft of Rs.1,50,000/-. Since the allotment was not done under the scheme, the petitioner wrote to

respondent No.1 demanding refund of his application money of Rs.1,50,000/-. Having failed to get the refund in spite of several letters followed by a legal notice, the complaint in question came to be filed by the petitioner before the District Forum at Bhilwara. On being noticed, the respondent No.1 submitted that it had already instructed respondent No.2 Bank which was the nodal branch to refund the amount in question to the petitioner. It also raised the plea of lack of territorial jurisdiction of the District Forum, Bhilwara and pleaded for dismissal of the complaint. Respondent No.2/Opposite Party No.2 did not appear and hence was proceeded ex parte. After hearing the parties and looking into the documents placed before it, the District Forum dismissed the complaint vide its order dated 24.1.2012 on the ground that since the opposite parties did not reside under the jurisdiction of the District Forum and the cause of action also did not arise in its jurisdiction and hence the District Forum did not have jurisdiction to deal with the complaint.

3. Aggrieved by the aforesaid order of the District Forum, the petitioner filed an appeal before the Rajasthan State Consumer Disputes Redressal Commission, Jaipur (State Commission for short). The State Commission vide its order dated 6.3.2012 upheld the order of the District Forum and dismissed the appeal. This impugned order of the State Commission is now under challenge before this Commission.

4. We have heard Mrs. Vikas Jain, Advocate, learned counsel for the petitioner and perused the record. It is not in dispute that the petitioner is a resident of Bhilwara and the respondent Authority does not have any office in Bhilwara within the jurisdiction of the District Forum. Respondent No.2 is also located in Delhi. In the circumstances, we do not find any illegality or infirmity in the impugned order which would call for our interference and the revision petition is liable for dismissal in limine. It is dismissed accordingly with no order as to costs. At the request of learned counsel for the petitioner, liberty is granted to the petitioner to approach the appropriate Forum for the relief claimed in these proceedings and in case he chooses to do so according to law, he can claim the benefit of section 14 of the Limitation Act in terms of the order of the Apex Court in the case of **Laxmi Engineering Works Vs. P.S.G. Industrial Institute [(1995) 3 SCC 583]**.

