

Jayachandran Parambath Vs. M/S. Sathimadom Builders and Developers and Others

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Court : Kerala State Consumer Disputes Redressal Commission SCDRC
Thiruvananthapuram

Decided On : May-27-2014

Judge : The Honourable Mr. Justice P.Q. Barkathali, President & the Honourable Mr. V.V. Jose, Member

Appeal No. : Complaint Case No. 26 of 2013

Appellant : Jayachandran Parambath

Respondent : M/S. Sathimadom Builders and Developers and Others

Judgement :

P.Q Barkath Ali, President

This is a complaint filed by the complainant under section 16 of Consumer Protection Act for recovery of Rs. 45 Lakhs from the opposite parties being the amount paid by him to the opposite parties for the construction of the Villa and compensation. The material averments in the complaint in brief is this. The complainant entered in to an agreement for sale of plot and construction of a Villa with the opposite parties on June 18 of 2009 for a cost of Rs. 25 lakhs. The agreement was to register 3 cents of land in the Guruvayoor Project to the complainant and to construct and hand over the Villa on or before May 2010. The

complainant paid an advance amount of Rs. 10 lakhs on the date of agreement it. The 3rd opposite party on behalf of other opposite parties executed the registered sale deed in respect of 3cents sense of property on June 19,2009 by sale deed No. 1505/2009, S.R.O, Kunnankulam. The complainant paid Rs. 5 lakhs on September 8, 2009, Rs. 3 lakhs on May 11,2010 Rs. 7 lakhs on January 2011 . But the opposite parties failed to construct the Villa as agreed upon. Therefore the complainant filed this complaint seeking recovery of Rs. 25 lakhs paid by him and also compensation of Rs. 20 lakhs .The opposite parties are M/s. Santhimadam Builders and developers , Ernakulam represented by its Chairman Dr. V.N. Radhakrishnan. Though they entered appeals through a counsel they did not find any version. The counsel for the opposite parties filed a memo to the effect of Dr. V.N. Radhakrishnan, 2nd opposite party is in Jail in connection with criminal complainants filed by the investors. Therefore, it is taken as no evidence for the opposite parties.

Proof affidavit of the complainant was filed Exbt. A1 to A17 were marked on the side of the complainant. The documents produced by the complainant proves his case. Therefore,accepting the case of the complainant the complaint is allowed. The opposite parties are directed to refund Rs. 25 lakhs to the complainant which was received by them. As regards compensation we feel that a compensation of Rs. 5 lakhs would be reasonable. Complainant is entitled to interest at the rate of 12 % per annum on all there amounts from the date of complaint till realization.

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