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**STATE CONSUMER DISPUTES REDRESSAL COMMISSION, HARYANA
PANCHKULA.**

First Appeal No. 1950 of 2002
Date of Institution: 27.08.2002
Date of Decision: 5.11.2008

Estate Officer, Haryana Urban Development Authority, Hisar.

---Appellant (Opposite Party)

Versus

*M/s Aggarwal & Co. through Sh. Ishwar Chand, Om Parkash Gupta & Smt. Geeta Bansal, R/c
Shop No.100, Rajguru Market, Hisar.*

---Respondents (Complainants)

BEFORE:

Hon'ble Mr. Justice R.S. Madan, President.
Dr. Rekha Sharma, Member.

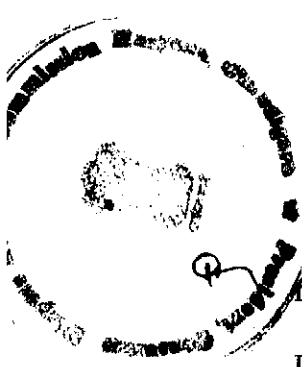
For the Parties: Mr. Raman Gaur, Advocate for the appellant.
Mr. J.P. Jindal, Advocate for the respondent.

ORDER

Justice R.S. Madan, President:

This appeal is directed against the order dated 29.7.2002 passed by the District Consumer Disputes Redressal Forum, Hisar whereby the following relief was granted to the respondent-complainant:-

“Hence, the possession offered by the respondent is quashed and the same may be treated as and when the standard design was provided to the complainants i.e. 31/12/2001. The respondent cannot charge any interest before providing the standard design to the complainants. Other reliefs as prayed for by the complainants are hereby declined. Their opposite party is directed to comply with the aovesaid order within a period of one month.”



Succinctly, the facts which have given rise to the filing of the present appeal are that the respondents-complainants were re-allotted S.C.F. No.130 located in Commercial Complex of Urban Estate I, Hisar for which the appellant-opposite party had issued possession letter alongwith allotment letter without preparing the standard design, in violation of the HUDA Act because without providing standard design the construction could not be raised by the respondents. Forced by these circumstances, the respondents invoked the jurisdiction of the District Forum by filing complaint seeking direction to the appellant to withdraw the offer of possession and issue fresh letter of possession after supplying the standard design to the respondents and also not to charge any interest on the instalments. They also sought compensation of Rs.50,000/- from the appellant-opposite party.

The complaint was contested by the appellant-opposite party. In the written statement filed before the Forum, it denied the averments made in the complaint and took the plea that the area was fully developed and after completion of the development work in the area, the offer of possession was given vide letter No.9385 dated 30.7.99 and thereafter physical possession was obtained by the respondent-complainant vide possession certificate No.4819 dated 9.5.2001 and Standard Design was also supplied vide Memo No.EO (H) 8254 dated 31.12.2001. It was prayed that the complaint merited dismissal.

Both the parties led evidence in support of their respective claims.

After hearing the learned counsel for the parties and scrutinizing the evidence adduced on record, the District Forum accepted the complaint and issued the directions noticed above.

Hence, this appeal.

We have heard the learned counsel for the parties and also have perused the case file.

At the outset, it is not disputed by the learned counsel for the parties that the present case is covered by the judgment rendered by this Commission in First Appeal No.2477 of 2002 titled 'Estate Officer, Haryana Urban Development Authority, Hisar versus Sant Lal Arya, Satya Pal Arya etc.' decided on 19.8.2005.

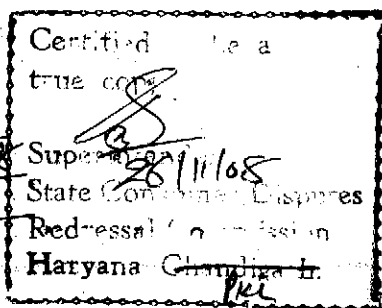
We have perused the case file. This case is fully covered by the decision rendered by this Commission, as discussed in the preceding para of this order. Accordingly, this appeal is accepted and disposed off in terms of the order dated 19.8.2005 rendered by this Commission in First Appeal No.2477 of 2002 titled 'Estate Officer, Haryana Urban Development Authority, Hisar versus Sant Lal Arya, Satya Pal Arya etc.'

Consequently, the impugned order is quashed and the complaint is dismissed.

Announced:
5.11.2008

3882-84/21-11-08

- 1. Case No. 1950/02
- 2. Date of Disposal 5-11-08
- 3. Date of issue of first copy 21-11-08
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Signature with date

Sd/-
Justice
R.S.Madan, President.

Sd/-
Dr.Rekha Sharma,
Member