

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

58

**REVISION PETITION NO. 2046 OF 2009**

(Against the order dated 11.02.2009 in Appeal No.1588/2006 of the State  
Commission, Haryana)

HUDA .. PETITIONER(S)  
VS.  
USHMA RANI DUREJA ... RESPONDENT(S)

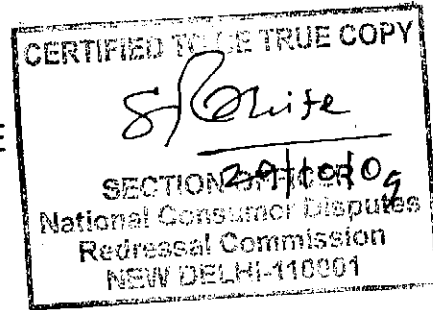
**BEFORE:**

**HON'BLE MR. JUSTICE B.N.P. SINGH, PRESIDING MEMBER  
HON'BLE MR. S.K. NAIK, MEMBER**

For the Petitioner: MR. R.S. BADHRAN, ADVOCATE

For the Respondent: MR. M.L.SACHDEVA, ADVOCATE

**Dated 11<sup>th</sup> September, 2009**



**ORDER**

Heard learned counsel for the petitioner and respondent on  
admission.

The factual back grounds are that the respondent was allotted a plot in Sector -13, 17, Panipat by Haryana Urban Development Authority on 23.9.1993. The respondent deposited earnest money of Rs.16,146/- and Rs.28,256/- being 25% of tentative price, for which demand was raised by the petitioner authority. The rest amount was to be paid by respondent in instalments. The respondent however did not adhere to schedule of payment and failed to pay the instalments due to her. In terms of provisions of Section 17 of the HUDA Act, 1977, the petitioner authority i.e. specified Estate Officer



resorted to resumption of the plot on 01.01.2002. The respondent while taking recourse to Consumer grievance Redressal Agency filed a complaint with the District Forum, on appraisal of which the District Forum while accepting complaint directed HUDA to allot another plot to the respondent with liberty to the petitioner authority to charge the interest or penalties as per rules. The petitioner was also given liberty to charge additional sum for the increased area of the new plot if any.

Aggrieved HUDA took the matter to the State Commission and the State Commission in terms of observations made by the Hon'ble Division Bench of Punjab and Haryana High Court in case of **Sandhya Jindal Vs. State of Haryana, reported in 1996 (3) P.L.R. 614** considered and disposed of the case. It seems that the counsel for the petitioner- HUDA also made submissions to follow the direction as contained in the order of the Hon'ble High Court.

Contentions raised by the respondent is that ~~since~~ he was handicapped to take possession of the plot, for the reasons of there being unhygienic surrounding at the site and also there being a pond at the site in question. The most vulnerable issue that comes to our notice that though resumption of plot had taken place as early as on 01.6.2002, the respondent neither challenged resumption nor took recourse to public authority for Redressal of her grievance. No communication reflecting her grievance in the matter of resumption of plot appear to have been made by her. The complaint too was filed after such an-ordinate delay on 16.2.2006. We accordingly find that State Commission while recording his finding lost sight of this aspect



of the matter. We accordingly allow the revision petition and dismiss complaint with no order as to costs.



S./3

Sd/-

.....J  
(B.N.P. SINGH)  
PRESIDING MEMBER

Sd/-

.....  
(S.K. NAIK)  
MEMBER