NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI

REVISION PETITION NO. 545 OF 1993

DATED THE 11TH MAY, 1994

Estate Officer, Haryana Urban Development Authority & Ors. .... Petitioners

Versus

J.K. Khanna .... Respondent

BEFORE:

HON'BLE MR. JUSTICE V. BALAKRISHNA ERADI, PRESIDENT.

MR. Y. KRISHAN, MEMBER

HON'BLE MR. JUSTICE B.S. YADAV, MEMBER.

For the Petitioners : Ms. Dania Pradhan, Advocate

For the Respondent : N E M O

O R D E R

The counsel for the Revision Petitioner is well founded in her contention that the entire proceedings that have taken place before the District Forum, Muzaffurpur, in this case were wholly without jurisdiction. The Opposite Party in this case is the Haryana Development Authority which has its Office in Gurgaon. Admittedly it has no branch office at Muzaffurpur. The Respondent who is working in Muzaffurpur had applied to the HUDA for the allotment of a plot in a housing scheme in Sector 23-23A in Gurgaon. The mere fact that the Respondent had remitted some amount to HUDA by obtaining a Bank Draft from a Bank in Muzaffurpur to be paid at Gurgaon and sending it with his application for registration as an applicant for the plot in the scheme in question, will not confer any jurisdiction on the District Forum, Muzaffurpur to adjudicate upon the dispute between the Complainant and the HUDA in relation to the alleged deficiency in service on the part of the HUDA in considering

his application and making the allotment. The Bank of Muzaffurpur had acted only as an agent of the Complainant in issuing the Demand Draft. No part of the cause of action for this case had arisen in Muzaffurpur and since the Petitioner is also not having in Muzaffurpur either its principal place of business or any branch office, the Complainant was not entitled to institute the complaint in the District Forum at Muzaffurpur. The action of the District Forum in entertaining and adjudicating on the complaint was wholly without jurisdiction. This point was not unfortunately noticed by the State Commission which rejected the appeal summarily filed by the Revision Petitioner herein. The orders passed by the State Commission and the District Forum are hereby set aside. The Revision Petition is allowed and the complaint filed by the Respondent herein before the District Forum, Muzaffurpur will stand hereby dismissed. It is made clear that it will be open to the Respondent to institute a fresh complaint in respect of the same cause of action and subject matter before the appropriate forum having jurisdiction in Gurgaon or elsewhere. In the circumstances the parties will bear their respective costs.

Sd/-

.....J..
(V.) BALAKRISHNA ERADI)
PRESIDENT

Sd/-

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(MR. V. KRISHAN)
MEMBER

Sd/-

.....J..
(B.S. YADAV)
MEMBER