

**(1994) 02 NCDRC CK 0035**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

L. Ramachandran

APPELLANT

Vs

SPACE EMPLOYEES C.H.B.S. LTD.

RESPONDENT

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**Date of Decision:** Feb. 8, 1994

**Citation:** 1994 3 CPJ 309

**Hon'ble Judges:** D.R.Vithal Rao , K.R.Ramaswamy Iyengar , Susheela Cheluvaraju J.

**Final Decision:** Appeal dismissed

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**Judgement**

1. - THIS appeal, by the complainant, is directed against the order dated 15-12-1992 passed by the District Forum, Bangalore, in Complaint No.1615/91, dismissing the complaint. The facts, briefly stated, are as follows:

1. The complainant became a Member of the opposite party-the Space Employees Co-op. Housing Society Ltd., Bangalore, seeking for an allotment of a site measuring 40" X 60" at Vikram Nagar, Bangalore. The complainant made the payment of a sum of Rs. 46,298/- to the opposite party in several instalments. The opposite party allotted a site in favour of the complainant.

2. THE complainant had also applied for a site with B.D.A., Bangalore and the B.D.A., allotted him a site at Domlur II Stage, Bangalore. So consequently the complainant withdrew from the opposite party-the society and surrendered the site allotted by the opposite party-society in favour of the society. THE opposite party-society on his withdrawal from the society and surrendering the site allotted to the complainant refunded the amount deposited by the complainant to him.

The complainant demanded an interest over the said amount that was refunded to him and when the opposite party declined to make the payment of any interest over the said amount, filed the complaint before the District Forum, seeking the interest over the said amount from 2-12-1988 till the date of refund.

The opposite party filed its version and stated that the amounts collected from the Members of the society including the complainant as and when collected were paid to Institutions like B.D.A., B.W.S.S.B., and K.E.B., and so there was no occasion for the society to keep the amounts for any longer time and expressed their inability to make payment of any amount of interest over the said amount deposited by the complainant and other Members of the society.

3. DURING enquiry, the complainant did neither lead any evidence nor filed the affidavit nor got any documents marked in evidence.

The District Forum on hearing the parties held that the complainant failed to establish any deficiency of service on the part of the opposite party and in that view dismissed the complaint.

4. WE have called for the records and received. WE have also heard the parties and perused the records.

It is an admitted fact that the complainant himself withdrew the Membership from the opposite party-society and the site that was allotted to him by the society and surrendered the said site to the society. Consequently the society refunded the amount deposited by the complainant with it to him.

The only grievance of the complainant is that the society did not make payment of any interest over the said amount of deposit. The complainant further has averred that the society had made payment of interest over the said amount of deposit to some of the Members of the society.

5. THE opposite party-society has averred that wherein case of husband and wife both had applied and both of them had made the payments of instalments, the society guidelines required the allotment of a site only to one of the Member of the family and while returning the amount one of the Member of a nominal interest was awarded.

6. IN the present case, as referred above, the complainant applied for a site, deposited the money seeking the allotment of a site, and the opposite party-society also allotted a site to the complainant, but the complainant, after B.D.A. site was allotted to him, withdrew from the Membership of the society and surrendered the site allotted to him by the society in favour of the society. IN view of these facts and in the circumstances of the case, we do not find any deficiency of service on the part of the opposite party.

Having regard to these facts and in the circumstances of the case, we do not find any infirmity in the finding recorded by the District Forum, Bangalore Urban District, Bangalore. ORDER In the result, therefore, this appeal fails and it is dismissed. The parties are directed to bear and pay their own costs in this appeal. Appeal dismissed.