

(1992) 09 NCDRC CK 0021

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

ESTATE OFFICER, HUDA-/O.P.

APPELLANT

Vs

RAM SARUP

RESPONDENT

Date of Decision: Sept. 9, 1992

Citation: 1992 0 CPC 592 : 1992 3 CPJ 174

Hon'ble Judges: S.S.Sandhawalia , S.Kulwant Singh J.

Final Decision: Appeal dismissed

Judgement

1. THIS appeal by the Haryana Urban Development Authority assails the order of the District Forum, Hisar directing the refund of the deposited amount with interest @ 18% thereon to the complainant alongwith compensation to the tune of Rs. 13,000/- only. As the learned Counsel for the appellant has expressly confined himself to challenge the amount of compensation without assailing the merits at all, it seems unnecessary to advert to the facts in detail.

2. SUFFICE it to mention that the respondent- consumer was the successful bidder at an auction held by the HUDA on the 10th of June, 1988 for the removal of material of a police, store situated near the old courts at Hisar. In pursuance thereof, he deposited an amount of Rs. 6,500/- alongwith security of Rs. 1000/- and later a further amount of Rs. 20,500/- was deposited by him on the 14th of November, 1988. However, despite the passage of more than three years, the appellant was unable to comply with the terms of the auction and to give the delivery of the material to the respondent, compelling him to knock at the door of the District Forum.

The appellants in their reply admitted all the material facts alleged by the complainant. All that was pleaded in extenuation was that the site was in possession of the police department who were obdurately declining to deliver possession.

The District Forum on an appraisal of the material before it, noticed the patent hardship suffered by the complainant and granted relief in the terms noticed at the very out-set.

3. MR. Mohan Jain, the learned Counsel for the appellant with candour expressed his reluctance and inability to challenge the merits of the case. In express terms he stated that the refund of the deposited amount and the payment of interest thereon was correct and unassailable. However, he made a half-hearted grievance of the compensation awarded on the ground that the appellant was not in any way in default owing to its inability, to evict the police force from the premises.

It is somewhat manifest that there is not much merit in the tenuous plea taken on behalf of the appellants. It is not in dispute that they had openly and publically in an auction contracted to deliver the materials and thereafter accepted the deposited amount unconditionally. It is common ground that they have failed to carry out their part of the promise. The alleged inability of the appellant to get the place vacated by the Police Department is hardly a matter of extenuation and the blame and consequence, therefore, cannot be shifted on the shoulders of the respondent. It is well to recall that the auction took place on the 10th of July, 1988 and well-nigh four years have elapsed since then. On behalf of the respondent, it was forcefully argued that in view of the rising inflation the cost of the building materials had arisen manifold and his claim of Rs. One lac was indeed well merited. In this context, we are unable to find any infirmity in the quantification of compensation by the District Forum. The limited challenge to the order under appeal must, therefore, fail.

4. FOR the fore-going reasons, the appeal must be dismissed, but we would leave the parties to bear their own costs. Appeal dismissed.