

(2010) 07 NCDRC CK 0014

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SURENDER KUMAR

APPELLANT

Vs

HUDA

RESPONDENT

Date of Decision: July 5, 2010

Citation: 2010 4 CPJ 150

Hon'ble Judges: B.N.P.Singh , Anupam Dasgupta J.

Advocate: Sanjeev Bhatnagar

Judgement

1. HEARD the learned Counsel for the petitioner on admission.

2. SUCCINCTLY put, the factual background is that the petitioner was allotted Plot No. 305 in Sector 13-17, HUDA, Panipat by the respondent Authority on 18.8.2000. However, for financial constraints he surrendered the plot in question to the respondent on 23.4.2004, following which a cheque for refund of the amount which was in deposit made by the petitioner, was sent to him on 12.8.2004 after making 10% deduction, in terms of HUDA Policy. The petitioner, however, filed applications on 12.8.2004 and 17.8.2004 for retention of the plot in question which did not find favour with the respondent. Eventually, a consumer complaint was filed and the District Forum, on appraisal of the issue, regard being had to the pleadings of the parties, accepted the complaint and directed the respondent Authority to restore the plot in question to the petitioner and, to allot, in case the said plot was not available, an alternative plot in the same developed Sector for which the petitioner was liable to pay the remaining cost with interest and penalty. The aforesaid finding and directions of the District Forum, however, came to be reversed by the State Commission in appeal holding primarily that the complaint filed by the petitioner

was grossly "time-barred". Now, the petitioner is in revision.

3. THOUGH contentions are sought to be raised by the learned Counsel for the petitioner that the petitioner had to surrender the plot in question as respondent had not completed development work in the area, as a result of which he was not in a position to raise construction over the plot, we must say that the surrender application filed by the petitioner was quite unqualified, assigning as the only reason for such surrender, his financial constraint and hence the argument advanced on this score does not impress us. That apart, though possession of the plot was offered to the petitioner, he did not respond to take possession of the plot.

4. AS for belated filing of the complaint, it was rightly noticed by the State Commission that while cheque for the refund of the amount in deposit made by the petitioner was sent to him on 12.8.2004, that being the cause of action for the petitioner to get aggrieved, it was not before 11.7.2007 that a consumer complaint was filed for restoration of the plot in question by the complainant and, to crown all, while filing the complaint, the petitioner did not take pains to file any application for condonation of the delay as enjoined under Section 24-A of the Consumer Protection Act, 1986 which is pre-emptory in nature.

5. HAVING considered the matter in the background of these events, we are of the considered view that the petitioner has failed to make out a good case for success in revision and the revision petition deserves dismissal, which we accordingly do, but without order as to cost. Revision dismissed.