

STATE CONSUMER DISPUTES REDRESSAL COMMISSION
UNION TERRITORY, CHANDIGARH
Plot No. 5-B, Sector 19B, Madhya Marg, Chandigarh 160 019
Phone: 0172-2700183

46

✓ Haryana Urban Development Authority
through its Estate Officer, Sirsa.

.....Complainant (s)/Appellant(s)

Lakhwinder Singh s/o. Sharan Singh,
s/o. Plot No. 349, Sector 20, HUDA Sirsa HR.

.....Opposite party (s)/Respondent(s)

Memo.No.SC-CP-2008/15189
Dated, Chandigarh, the 25/9/2008
RBT 1099/08

Subject: CC/FA/RP/MA/EA/ 3394 of 01 HR

HUDA Vs. Lakhwinder

A certified copy of the order dated 19-9-08 is enclosed
with for information and necessary action.



BSL
For Secretary,
State Commission,
U.T., Chandigarh.

STATE COMMISSION

APPEAL NO. 1099 OF 2008

PRESENT : Sh.Amandeep Singh, Advocate for appellant.
Ms.Sushma Sethi, Advocate for respondent.

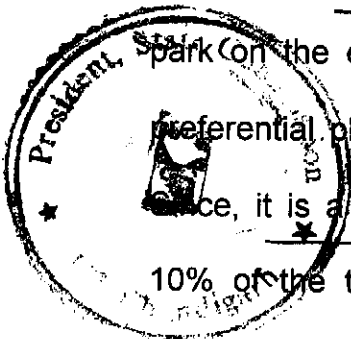
Dated the 19th of September, 2008.

ORDER

Heard.

This is an appeal filed by the OP against order dated 22.8.2001 passed by Consumer Disputes Redressal Forum, Sirsa (hereinafter to be referred as District Consumer Forum) vide which the complaint was accepted and the appellant was directed to refund Rs.7960/- wrongly and illegally recovered from the respondent and further to pay interest @ 9% p.a. from the date of deposit till payment.

It is an admitted fact that plot No. 349 situate in Sector 20 HUDA Barnala Road, Sirsa was allotted to one Sh.Mahavir Parsad r/o Sarangpur Mandi Adampur, District Hissar and he vide registered sale deed No.4111 dated 23.12.1997 transferred to the respondent Sh.Lakhwinder Singh. The main point involved in this case is whether it is a preferential/corner plot or not and the appellant (HUDA) is entitled to charge 10% of the sale consideration of Rs.79,600/- i.e. Rs.7960/- as charges for preferential plot. To know the position at the spot, Sh.Kamal.K.Rehlan was appointed as Local Commissioner. He has visited the spot and submitted his report by stating that the plot in question is having road on southern side and there was a park on the eastern side and i.e. back side. Since, there is a park on the eastern side of the plot, so it comes under the definition of preferential plot as the respondent can open his window etc. in that park. Since, it is a preferential plot, so HUDA had rightly charged Rs.7960/- as 10% of the total consideration. It is true that initially the appellant had pleaded that the said plot had excess area and then it pleaded that it is a



corner plot. In fact it is neither having excess area, nor, it is a corner plot but it is a preferential plot having park on the eastern side i.e. the back side. Thus it hardly matters that it has not been mentioned so by HUDA in the written reply because that might be a mistake but the Consumer Courts are based on justice, equity and good conscious and not strictly on legal technicalities. Consequently being a preferential plot the amount has been rightly charged. Therefore, the appeal is accepted and the complaint is dismissed.

Sd/-
(MAJ GEN S. P.
KAPOOR (RETD.))
MEMBER

Sd/-
(K. C. GUPTA)
PRESIDENT

Sd/-
(DEVINDERJIT DHATT)
MEMBER

