

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION, HARYANA,
PANCHKULA.**

First Appeal No.2079 of 2002
Date of Institution: 20.9.2002
Date of Decision: 22.7.2008

The Estate Officer, HUDA, Bahadurgarh.

---Appellants.

Versus

M/s Mittal Enterprises, C-105, Pushpanjali Enclave, Delhi.

---Respondent.

BEFORE:

Hon'ble Mr. Justice R.S. Madan, President.
Dr. Rekha Sharma, Member.

For the Parties: Mr. Tarun Gupta, Advocate appearing for Mr. Suveer Sheokand,
Advocate for appellant.
None for respondent.

ORDER

Dr. Rekha Sharma, Member:

Sharma

The brief facts of the case are that an Industrial Plot No.1361 measuring 214.50 Sq.Meters located in M.I.E., Bahadurgarh was allotted to Shri Jaswant Singh vide allotment letter bearing Memo No.13745 dated 22.11.1978 and thereafter it was transferred in the name of the respondent (complainant). It is the case of the respondent (complainant) that the possession of the plot was delivered on 10.8.1989 without any development in the area with the assurance given by the appellant (opposite party) that the basic amenities in the area where the plot is located, would be provided very soon but because of non-development in the area the respondent could not raise construction. Further the plea taken by the respondent (complainant) is that when the complainant applied for sanction of the site plan, the appellant (opposite party) asked the complainant to deposit Rs.13,975/- as extension fee and the same was deposited by the complainant vide receipt No.045946 dated 1.10.1996. Challenging deficiency of service on the part of the appellant (opposite party), the respondent (complainant) knocked the door of the District Forum.

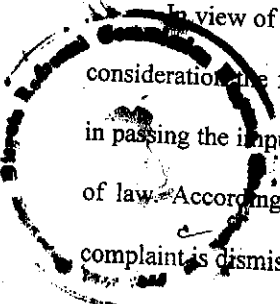
In the written statement filed the appellant (opposite party) took the objection that the complaint was barred by time. The appellant (opposite party) further justified the extension fee charged from the respondent and prayed for dismissal of the complaint.

The District Forum, Jhajjar did not accept the version of the appellant (opposite party) and accepted the complaint as per order dated 9.7.2002. Hence, the present appeal on behalf of the appellant (opposite party).

Heard.

Admittedly, the possession of the plot was taken by the respondent (complainant) on 10.8.1989. Thereafter, when the respondent applied for sanction of the site plan to raise construction over the plot, an amount of Rs.13,975/- was demanded by the appellant (opposite party) which was deposited vide receipt dated 1.10.1996. It means that the respondent was not able to raise construction on the plot for a period of about seven years for the reasons known to the respondent. Despite of the fact that the possession of the plot was taken on 10.8.1989 and extension fee was charged on 1.10.1996, the present complaint was filed by the respondent (complainant) on 9.10.2001 and the same is hopelessly time barred.

In view of the above discussion we find that the District Forum has not taken into consideration the factual position brought on record and has committed patent illegality in passing the impugned order under challenge and the same is not sustainable in the eyes of law. Accordingly, the appeal is accepted, the impugned order is set aside and the complaint is dismissed.



1097-96/11808
Certified to be a true copy
Superintendent
State Consumer Disputes Redressal Commission
Haryana, Chandigarh.

Justice
R.S.Madan, President

Dr. Rekha Sharma, Member

Announced:
22.7.2008

- 1. Case No. 2079/02
- 2. Date of disposal 22.7.08
- 3. Date of receipt of duplicate copy 11.8.08
- 4. Order 17.8.08
- 5. Date of issue of duplicate copy 12.8.08

Signature with date
11/8/08