

BUILDERS –DURING 2018

IV (2016) CPJ 1 (SC)

SUPREME COURT OF INDIA

T.S. Thakur, CJI. & U.U. Lalit, J.

PRATAP SINGH YADAV—Appellant

versus

HARYANA URBAN DEVELOPMENT AUTHORITY & ANR.—Respondents

Civil Appeal Nos. 10418-10419 of 2016—Decided on 28.10.2016

Consumer Protection Act, 1986 — Sections 2(1)(g), 23 — Housing — Fraudulent allotment — Voluntary surrender of disputed plot and encashment of refund amount — Restoration sought — District Forum allowed complaint — State Commission allowed appeal — National Commission dismissed revision — Hence appeal — Entire process leading to the allotment of plot, execution of conveyance deed, approval of building plan, issue of full occupation certification has been vitiated by reason of complicity of officials working in HUDA and named in report — HUDA is bound to take disciplinary action against those found responsible and to suitably punish them in accordance with law —Appellant/complainant had already constructed a house over the plot — Appellant has been beneficiary of what is and can be said to be fraudulent allotment — Demolition of house and restoration of plot to HUDA may at this stage work rather harshly for him/them — Proper course is to allow the allotment to continue subject to appellant depositing prevalent price of plot @ Rs. 18,000/- per square meter — Directions issued.

I (2018) CPJ 632 (NC)

NATIONAL CONSUMER DISPUTES

REDRESSAL COMMISSION, NEW DELHI

Hon'ble Mr. Justice D.K. Jain, President & Mrs. M. Shreesh, Member

J.H. PHALLE—Appellant

versus

VIJAYA PODUVAL & ORS.—Respondents

Appeal Execution No. 38 of 2016 against Order dated 3.8.2016 in Complaint No. 114 of 1997 of Maharashtra State Consumer Disputes Redressal Commission—Decided on 17.1.2018

Consumer Protection Act, 1986 — Section 27 — Execution — Limitation — Delay of 12 years in filing application alleged — Having regard to quantum of amount directed to be refunded *vide* final order dated 1.8.2002, which

ranges between Rs. 20,000 to Rs. 1,50,000; complainants had deposited said amounts with Judgment Debtor, as far back as in year 1994-1995 and substantive order passed more than 15 years ago — It would be travesty of justice to non-suit complainants/decreed holders on hypertechnical ground — Directions.