

3

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

First Appeal No.2806 of 2004
Date of Institution:18.10.2004
Date of Decision:15.05.2009

✓ Haryana Urban Development Authority, Faridabad through its Estate Officer, Sector-6,
Bahadurgarh.

Versus.

...Appellant

Sudesh Mutneja w/o Sh. Mohinder Mutneja, r/o H.No.715, Sector-1, Rohtak.

....Respondent

Present:- Mr. Sachin Kapoor, Adv. for the appellant.
None for the respondent.

BEFORE:

Hon'ble Mr. Justice R.S. Madan, President.
Mr. Diwan Singh Chauhan, Member.

JUSTICE, R.S. MADAN, PRESIDENT:-

The case set up by the complainant before the District Forum he had been allotted the plot No.199, located in Sector-9-9A, Bahadurgarh. It is further case of the complainant that the opposite party has failed to develop the area by not providing there basic amenities like as shopping centres, parks, street light, hospital, bridge over the drain/nala and internal roads etc., therefore, he is not entitled to pay the interest over the balance amount of the plot allotted to him.

Upon notice opposite parties contested the complaint by way of filing the written statement. In the written statement filed, it was pleaded that entire development work has already been completed in the area where the plot of the complainant was located and offer of possession of the plot was also accepted by the complainant by letter dated 1.7.2002, therefore, HUDA was well within in its right to charge the interest over the balance price of the plot. Thus, complaint merited dismissal.

Both the parties adduced evidence in support of their stands taken before the District



On scrutiny of the pleadings of the parties and evidence adduced on the record, the District Forum has observed as under:-

"We are of the considered view that basic amenities like shopping centres, parks, street light, hospital, bridge over the drain/nala and internal roads etc, were not provided in the area. Hence the respondent is not entitled to charge the interest till then the amenities are provided.

We here by allowed the complaint by giving the direction to the respondent not to charge any interest from the complainant till then the amenities are provided."

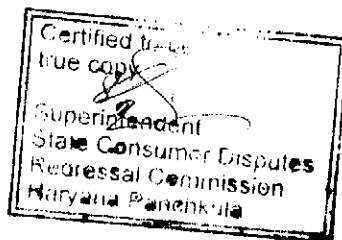
It is against this order the appellants/opposite parties have filed the present appeal before this Commission.

We have gone through impugned order and taken into consideration the facts and circumstances of the case and are the view that complainant himself has accepted the offer of possession of the plot in question vide letter dated 1.7.2002, which proves the fact that development work in the area was completed by the opposite parties on that date. Further more the District Forum has failed to consider the fact that as per Section 2 of the HUDA Act the facility like shopping centres, parks, street light, hospital, bridge over the drain/nala and internal roads etc. are not covered under the basic amenities. It has been overlooked by the District Forum that the above said additional necessities/amenities cannot be considered as condition precedent so as to draw a conclusion of deficiency of service on the part of the opposite parties. In fact, all the essential basic amenities like roads, electricity, water and sewerage had been provided by the opposite parties at the time when offer of possession of the plot was made to the complainant as defined in Section 2 of the HUDA Act. But, the District Forum has not given due consideration to all these aspects while accepting the complaint and for these reasons the impugned order is illegal on the face of it is liable to be set aside.

For the reasons recorded above, this appeal is accepted, the impugned order is set aside and the complaint is dismissed.

15th May 2009

Case No. 2806/04
Date of Disposal 15/5/09
Date of issue of first copy 20/5/09
Order delivered by post, if any 26/5/09
Date of issue of duplicate copy 20/5/09



Sd/-
Justice R.S. Madan
President.

Sd/-
Diwan Singh Chauhan
Member