

CASE NO.:
Appeal (civil) 5403 of 2004

PETITIONER:
Haryana Urban Development Authority

RESPONDENT:
Raj Laxmi

DATE OF JUDGMENT: 24/09/2004

BENCH:
S.N. VARIAVA & A.K. MATHUR

JUDGMENT:
J U D G M E N T

S. N. VARIAVA, J.

This Appeal is against an Order of the National Consumer Disputes Redressal Commission dated 27th August 2002.

We have heard the parties.

In our view, there is no infirmity in the reasoning of the National Commission in directing that the alternate plot be given at the same price at which original plot was allotted. However, we are unable to sustain the further direction that interest be paid by Appellants at the rate of 18% per annum. As the Respondent/allottee is already benefited by getting an alternate plot at the old rate, there is no loss or damage being suffered by him which would automatically require such compensation. In such cases, compensation for mental agony/harassment by awarding interest at the rate of 9% will be sufficient. Of course, if an allottee proves that he has suffered a loss or damage e.g. having to stay in rental premises and pay rent, then such loss/damage can be awarded.

In this case, there is no finding of any loss/damage. We therefore modify the Order of the National Commission by awarding interest at the rate of 9% per annum.

With this modification, the Appeal stands disposed off with no order as to costs.