

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.761 OF 2009
(Arising out of S.L.P. (C) No.15179 of 2007)

Anil K. Jain and Anr.

...Appellant(s)

Versus

Delhi Development Authority

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellants.

In spite of service of notice, nobody has appeared on behalf of the respondent to contest the prayer made in this appeal.

The appellants filed a complaint before the State Consumer Disputes Redressal Commission, New Delhi, [for short, ‘the State Commission’], claiming total compensation to the tune of Rupees thirty five lakhs and four thousand. The State Commission, instead of deciding the complaint on merits, transferred the same to the District Forum, as in its opinion, the amount of compensation was astronomically high. That order has been confirmed by the National Consumer Disputes Redressal Commission [for short, ‘the National Commission’]. Hence, this appeal by special leave.

In our view, the State Commission was duty bound to consider the merits of the claim made by the appellants and decide the same after giving opportunity of adducing evidence

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to the parties and hearing them. It was not at all justified in transferring the complaint to the District Forum on an assumed ground that the amount of compensation claimed was astronomically high. The National Commission also committed serious error by approving the legally unsustainable order passed by the State Commission.

Accordingly, the appeal is allowed, impugned orders are set aside and the matter is remitted to the State Commission to decide the complaint afresh after giving opportunity of hearing to the parties.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
February 06, 2009.