

CASE NO.:
Appeal (civil) 2186 of 2008

PETITIONER:
Chaman Lal and Anr

RESPONDENT:
H.U.D.A.

DATE OF JUDGMENT: 28/03/2008

BENCH:
B.N. AGRAWAL & G.S. SINGHVI

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.2186 OF 2008
(Arising out of S.L.P. (C) No.4260 OF 2007)

Heard learned counsel for the parties.
Leave granted.

Though the case was placed under the heading "Incomplete After Notice Matters", but both the parties agreed that the matter should be taken up and finally disposed of.

It appears that the District Consumer Disputes Redressal Forum (for short, 'District Forum') directed the respondent to allot an alternative plot and to refund the balance amount to the appellants and pursuant to the said order, the plot was allotted and possession thereof was made over to the appellants and the amount was refunded. It appears that, in the meantime, an appeal was filed before the State Consumer Disputes Redressal Commission (for short, 'State Commission') challenging the order of the District Forum which sets aside the order passed by the District Forum without taking into consideration the fact that the order of2/-

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the District Forum had been already implemented. The said order has been confirmed by the National Consumer Disputes Redressal Commission (for short, 'National Commission'). Hence, this appeal by special leave.

In our view, the State Commission was not justified in reversing the order passed by the District Forum, especially when allotment had been already made and possession was delivered to the appellants.

Accordingly, the civil appeal is allowed, impugned orders passed by the National Commission and the State Commission are set aside and the order passed by the District Forum is restored.