

Haryana Urban Development Authority

Vs

Nalini Aggarwal (Smt.) and Others

Civil Appeals Nos. 3143-45 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

21.04.1997

ORDER

1. Leave granted. We have heard learned counsel for the appellant and also the parties-in-person.
2. Notification was issued calling for the applications for allotment of houses and the respondents had applied on 20-4-1993. The last date for making applications was 31-5-1993. After necessary steps were taken and scrutiny was made, lots were drawn on 7-6-1994. Since the respondents remained unsuccessful in the lots, the earnest money deposited by them was refunded on 20-7-1994 within one month. The question, therefore, is whether the unsuccessful applicants would be entitled to payment of interest for the period from the date of deposit till the date of refund. One of the conditions imposed in the notification inviting applications for allotment was that : "No interest shall be payable on the money of the applicant for the a period for which the same is lying with the Authority. " Having accepted the above conditions, while they applied for allotment, the respondents were not entitled to the payment of interest for the period during which the deposit was lying with the Authority. It is true that there was an interlude of around one year between the date of calling applications and the date of draw of lots. It is obvious that the draw of lots was delayed due to administrative exigencies and not on account of any mala fide action of any individual; nor is there any absolute indifference on the part of the appellant in not drawing the lots. However, it is made clear that the appellant being a statutory authority is expected to perform its duties as expeditiously as possible and have the actions taken quickly.
3. Under these circumstances, the appeals are allowed. The order of the National Consumer Disputes Redressal Commission, dated 14-6-1996 made in Revision Petition No. 992 of 1995 etc. and that of the State Forum are clearly illegal. They are accordingly set aside. No costs.