

**SUPREME COURT OF INDIA**

Huda

Vs.

Sunita

C.A.No. ... of 2005

(B. N. Srikrishna and D. M. Dharmadhikari JJ.)

14.01.2005

**ORDER**

1. Leave granted.
2. Heard learned counsel appearing for the Haryana Urban Development Authority (HUDA) as the appellants and Raj Rani Dhanda for the respondent.
3. After perusing the order of the National Commission and hearing learned counsel for the parties we find that the National Commission has held that the statutory obligations of HUDA and plot-holder under the provisions of the HUDA Act and the Regulations are not acts or omissions constituting "deficiency in service" within the meaning of the Consumer Protection Act.
4. On the above finding, the National Commission had no jurisdiction to go into the correctness of the demand of "composition fee" and "extension fee" made by HUDA from the respondent complainant.
5. On the National Commission's own reasoning and the interpretation of provisions of law with which we agree, this appeal deserves to be allowed. In our opinion, the National Commission having held that it has no jurisdiction to go into the correctness of the demands made by HUDA ought to have set aside the orders of the District Forum and the State Commission setting aside the demand of "composition fee" and "extension fee". We, therefore, allow this appeal upholding the order of the National Commission. We set aside the order of the District Forum and the State Commission to the extent of quashing the demand of "composition fee" of Rs. 53, 808 and "extension fee" of Rs. 6300.
6. We, however, make it clear that the respondent complainant may resort to any other appropriate remedy for questioning the aforesaid demands if they are not in accordance with law. The appeal, thus, stands allowed in the manner and to the extent indicated above.