

**SUPREME COURT OF INDIA**

Punjab Urban Planning & Dev. Auth.

Vs.

Daya Singh

(Tarun Chatterjee and V.S. Sirpurkar JJ.)

21.04.2019

**ORDER**

1. Leave granted in all the Special Leave Petitions. Heard learned counsel for the parties. All these appeals by special leave have been filed at the instance of Punjab Urban Planning Development Authority (in short PUDA) against the Judgments and Orders passed by the National Consumer Disputes Redressal Commission, New Delhi (in short, National Commission) by which Revisions/Review Petitions filed by the appellants before the National Commission were disposed of finally. So far as the orders passed in Revision Petitions are concerned, we are of the view that in view of the nature of the submissions made by the learned counsel for the parties and in view of the directions and observations made by the National Commission in its final order relating to respective revision petitions, we are not dealing with the facts of the present case in detail.

2. To decide the controversies raised by the learned counsel for the parties, it is necessary for us to reproduce the directions and observations made by the National Commission in the final orders, which are as follows:- We cannot sustain the reliefs granted by the District Forum and affirmed by the State Commission as not maintainable. At the same time for deficiency, on account of delayed delivery of possession, on account of delayed delivery of possession, on the part of the Petitioner, we direct the Petitioner PUDA to pay interest @10% to cater for interest which the Complainant could have earned outside, Compensation and Cost escalation, on the deposited amount from the respective dates of deposit till the date of payment which must be made within six weeks of the order. Petitioner PUDA is also directed not to charge any extension fee from the Complainants for a period of 3 years from the date of allotments of the plots.

3. We have carefully examined the aforesaid observations and directions made by the National Commission in the final orders passed in the Revision Petitions. On a bare perusal of the aforesaid observations and directions of the National Commission, it would be evident that on the question of deficiency of service, the National Commission in the Revision Petitions had observed that no issue was raised by the learned counsel for the appellants before it. We have carefully examined the Revision Petitions as well as the orders passed by the State Commission and the District Consumer Disputes Redressal Forum, Chandigarh and

also the review petitions filed by the appellants after final orders were passed in the review petitions by the National Commission.

4. Our attention was drawn by the learned counsel for the appellant, Mrs. Rachna Joshi to the facts of this case and also submitted that on the issue relating to the deficiency of service, specific issues were raised by the appellants not only before the National Commission but also in the review petitions before the National Commission.

5. In the revision petitions, it has been specifically pointed out that the issue regarding deficiency of service was very much pleaded in the supplementary affidavit filed by the appellants on 30th of December, 2002 in which it was specifically pointed out on behalf of the appellants that the possession could not be delivered in time to respondents in respect of the respective plots on account of the order passed by the High Court of Punjab and Haryana directing maintenance of Status Quo regarding possession.

6. This factual situation could not be disputed. In this view of the matter and in view of the fact that in the event, it is found that delay was on account of the order passed by the High Court, directing the parties to maintain status quo on the question of possession of plots in question, it must be held that the question of payment of interest for such delayed possession given to the respective respondents in respect of their plots may not arise at all. Since there was no such finding although specifically raised and pleaded by the appellants, we are of the view that before granting interest to the complainants for such delayed possession as has been done by the National Commission, we invite the National Commission to take up this issue and then decide the same on facts and thereafter, pass a final order on the question indicated hereinabove.

7. Accordingly, we set aside the impugned orders of the National Commission including the orders rejecting the review petitions filed by PUDA and the revision petitions are remitted back to the National Commission for decision on the question indicated above within a period of six months from the date of supply of a copy of this order to it, without granting any unnecessary adjournments to either of the parties.

8. We make it clear that it would be open to the parties to lead further evidence on the aforesaid issue, otherwise, the National Commission shall decide the issue as indicated hereinabove on the pleadings and evidence already on record. The appeals are accordingly allowed to the extent indicated above. There will be no order as to costs.

9. Interim order, if any, stands vacated.