

SUPREME COURT OF INDIA

Sanjay Kumar Joshi

Vs.

Municipal Board

26.09.2014

(Jasti Chelameswar, J, Arjan K.Sikri, JJ.)

JUDGEMENT

Jasti Chelameswar, J,

(1.) Leave granted. This appeal is filed by the Appellant against the impugned order dated 22.01.2013 passed by the National Consumer Disputes Redressal Commission ('NCDRC' for short) questioning the correctness of the same urging certain facts and framing of substantial question of law that arise in this appeal and grounds in support of the same.

(2.) Indisputab Ly , plot No. 7 was put for open auction on 22.01.2010. In the said public auction, the Appellant was the highest bidder and in terms of the public auction, he was required to deposit 25% of the sale consideration amount, which he deposited on 22.01.2010. For the remaining amount, the Respondents herein called upon the Appellant on 19.03.2010 to deposit the remaining 75% of the amount with lease money to which the Appellant herein responded to the said letter on 22.03.2010 requesting the Respondents herein that the amount paid by him may be refunded as he had come to know that a civil suit concerning Plot No. 7 was pending before the Civil Court.

(3.) The 25% amount and the security deposit amount was not refunded, therefore, the Appellant filed Complaint No. 176/2011 Under Section 12 of the Consumer Protection Act, 1986 ('the Act' for short) before the District Consumer Protection Forum, Sikar. After affording the opportunity to the Respondents and after adverting to the rival factual and legal contentions, the District Forum has accepted the claim made by the Appellant herein and rejected the plea taken by the Respondents that the complaint is not maintainable in law as the plot in question was sold in public auction for commercial purpose, therefore, the Appellant was not a consumer as defined Under Section 2(i)(d) of the Act vide order dated 15.06.2011. The District Forum directed the Respondents to pay Rs. 25,000/- the security amount to the complainant and 25% of the amount of sale consideration amounting to Rs. 3,69,500/-, in total Rs. 3,94,500/- with interest @ 9% p.a. from 22.1.2010 within two months. Against the order of the District Forum, the Respondents filed First Appeal No. 1360/2011 before the State Commission, Jaipur. The State Commission, after hearing the

parties, confirmed the order of the District Forum vide Order dated 08.08.2011 holding that it did not find any error or illegality in the direction issued by the District Forum. ;