

SUPREME COURT OF INDIA

Indore Development Authority

Vs.

Atul Tiwari & Anr.

C.A.No.7041of 2015

(Kurain Joseph and Arun Mishra,JJ.,)

11.09.2015

JUDGMENT

SLP(Civil)No.17903 of 2013

1. Leave granted.

2. The State Consumer Dispute Redressal Commission, Bhopal issued the following order on 24.12.2011:

"Insofar as the Indore Development Authority is concerned, we find no impediment in carrying out the provisions of Resolution 9. In fact, the administrative orders of the Registrar is for making allotment according to seniority of the members as per the date the payments have been made by these individual members, and therefore we do not perceive any illegality in the order of the District Forum, Indore. The District Forum, Indore examined each case and on finding that allotment has already been made and payment has been received, given direction to execute lease deeds. We make it clear that in those cases where the payment is not complete, the Indore Development Authority may suspend allotment/lease deed of the plot in question without being hindered by the administrative orders. However, this judgment will apply only after four months to enable the Registrar to finalize the list and in the meanwhile if the list is not finalized the Indore Development Authority may proceed to allotment / execute lease-deed as per the directions hereinabove contained. With the above directions all these appeals are disposed of. The cost awarded by the District Forum and the amount for mental agony is set aside."

3. Mr. P.S.Patwalia, learned senior counsel appearing for the appellant-Indore Development Authority submits that as far the Authority is concerned, there are no issues and they want to finalize the proceedings as per the Resolution. However, the Registrar (Joint Registrar Cooperative Societies) has not so far given the final list and only because of that the delay has occurred. Though an application is filed for impleadment of Registrar, we do not think it necessary. In the facts and circumstances of the case since we are informed by learned

counsel appearing for the parties that the process of finalizing the list is going on, the appeals are disposed of with a direction to the Joint Registrar of Cooperative Societies, Indore who is incharge of the finalization of the list referred to in the order of the State Commission, to finalize the list positively within a period of three months from the date of communication of this order, as per the order of the State Commission and in accordance with law. Based on the list, as furnished by the Joint Registrar of Cooperative Societies, the allotment/execution of lease deed shall be made by the Indore Development Authority within one month

4. The Registry is directed to communicate this order to the Joint Registrar-Cooperative Societies, Indore Development Authority.

5 Applications stand disposed of.