

(Annexure-IV)

STATE CONSUMER DISPUTES REDRESSAL COMMISSION,  
HARYANA, CHANDIGARH

FIRST APPEAL No. 3367 of 2001  
Date of Decision : 10.06.2002

Haryana Urban Development Authority through its Estate Officer, HUDA, Gurgaon & another.

Appellant(s)

Vs.

Shashi Sahni son of Tilak Raj Sahni R/o Punjabi Bagh, New Delhi.

Respondent(s)

**Present :** Mr. Raman Gaur, Advocate for the appellant.

**BEFORE :**

Hon'ble Mr. Justice Amarjeet Chaudhary, President.  
Mrs. Shakuntla Devi Sangwan, Member.

**ORDER**

**Amarjeet Chaudhary J. (Oral)**

Haryana Urban Development Authority has come up in appeal against the order of the District Forum, Gurgaon dated 06.08.2001 vide which the District Forum on a complaint filed by Sh. Shashi Sahni had issued direction to the opposite parties to allot original plot No.231-P of Sector-12A, Urban Estate Gurgaon to the complainant if lying vacant and unallotted or to allot any plot either in the same sector or in the adjoining sector or of the sector of the choice of the complainant at the same rate at which the original plot was allotted to him. The opposite parties were further directed to pay interest over the deposits made by the complainant at the rate as per HUDA policy which is to be calculated after two years from the date of deposit till the date of delivery of possession.

Notice of the appeal was issued. Service is complete. However, there is no appearance on behalf of the respondent.

We have heard the counsel for the appellant and have also perused the impugned order. From the record, it is seen that the original plot No.231, Sector-12-A, Gurgaon was allotted to one Daulat Ram in the year 1986 but due to litigation, possession could not be delivered to the complainant and an alternative plot No.1764, Sector-45, Gurgaon was offered to Sh. Daulat Ram, which was duly accepted by him. Subsequently, in the year 1997 the said plot was transferred by Sh. Daulat Ram to the complainant – Shashi sahani. Since the complainant had purchased the alternative plot No.1764, Sec-45, Gurgaon from the original allottee, she should not have purchased the plot with closed eyes and should have seen the situation/location of the plot and should have verified whether area is fully developed and all the facilities are available or not. Once the complainant had repurchased the plot in the year 1997 from the original allottee, she can not make any grouse regarding price of the alternative plot. It was incumbent upon the District Forum to have gone through the entire record before issuing direction to allot the alternative plot. It is pertinent to note that the complainant had not filed any replication to the written statement and as such, the plea raised by the opposite parties is deemed to have been admitted by the complainant that possession of alternative plot No.1764 was accepted by the original allottee- Daulat Ra, from whom the complainant had re-purchased the plot. In view of the above discussions, the appeal is allowed, impugned order is quashed and the complaint is dismissed.

June 10, 2002

-sd/-  
(Justice Amarjeet Chaudhary)  
President

-sd/-  
(Shakuntala Sangwan)  
Member