

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.19613 OF 2015

Between:

Shashikumar

.. Petitioner

and

The District Consumer Disputes Redressal Forum
and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: August 11,
2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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WRIT PETITION No.19613 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to declare the action of District Consumer Disputes Redressal Forum, Ranga Reddy District -respondent No.1, in refusing to proceed with E.A.No.60 of 2013 in C.C.No.196 of 2012 pending on its file, as illegal and arbitrary.

Petitioner is the complainant in the aforesaid C.C., filed under Sections 11 and 12 of the Consumer Protection Act, 1986. In the aforesaid C.C., grievance of the petitioner is that in spite of receipt of full consideration amount by respondent Nos.3 and 4 for transfer of Flat No.103 (new)/102-B (old) constructed by them in his favour, they were not handing over the Flat in a finished shape. The District Forum, by order, dated 13.08.2013, allowed the C.C. directing respondent Nos.3 and 4 – opposite parties to complete pending works in the petitioner's Flat as per the agreement and hand over possession within two months from the date of order with further directions to provide and allot car parking to the

petitioner in the complex and to pay monthly rent at Rs.4,500/- from 10.03.2012 till possession of the Flat is handed over. As respondent Nos.3 and 4 have not complied with the order, dated 13.08.2013, petitioner filed E.A.No.60 of 2013 to punish them. Thereafter, aggrieved by the order, dated 13.08.2013, respondent Nos.3 and 4 filed an appeal before the State Consumer Disputes Redressal Commission, Hyderabad, and the State Commission by order, dated 09.06.2014, granted interim stay on condition of respondent Nos.3 and 4 depositing 50% of the amount awarded by the District Forum within a period of four (4) weeks from the date of order. Though respondent Nos.3 and 4 have not complied with the condition imposed in the order, dated 09.06.2014, the District Forum is not taking up the E.A.. Hence, the present Writ Petition is filed.

In this Writ Petition, it is the grievance of the petitioner that though respondent Nos.3 and 4 have not complied with the conditions imposed in the orders, dated 13.08.2013 and 09.06.2014, and though the petitioner has filed E.A.No.60 of 2013 to punish respondent Nos.3 and 4 for not complying with the order, dated 13.08.2013, the District Forum is not proceeding further in E.A.No.60 of 2013.

This Court, by order, dated 08.07.2015, while issuing notice before admission permitted the learned counsel for petitioner to serve notice on respondent Nos.3 and 4 by registered post with acknowledgement due and file proof of service.

Respondent No.3 is presently residing in USA and is represented by his Special Power of Attorney holder, respondent No.4. Learned counsel for the petitioner has served notice on respondent No.4 and respondent No.3 is also served by serving the notice on his Special Power of Attorney holder, respondent No.4. In spite of the same, there is no appearance on their behalf opposing the Writ Petition.

From a perusal of the material on record, it is clear that as respondent Nos.3 and 4 have committed default in completing the Flat in question in terms of the agreement, the District Forum has directed them to complete the pending works and hand over possession of the Flat in question to the petitioner within two months with a further direction to pay monthly rent at Rs.4,500/- from 10.03.2012 till possession of Flat is handed over. It is also clear that aggrieved by the same, respondent Nos.3 and 4 have carried the matter by way of appeal to the State Commission and the State Commission has passed

conditional stay order. As respondent Nos.3 and 4 have not complied with the order passed by the State Commission, the stay granted by the State Commission stands vacated automatically and hence, there is no reason for the District Forum for not proceeding with E.A.No.60 of 2013.

Therefore, we deem it appropriate to dispose of the Writ Petition by directing respondent No.1 to proceed with E.A.No.60 of 2013 and pass appropriate orders on its own merits as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J
August 11, 2015
MD