

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

124

CWP-22836-2023
Date of Decision: 10.10.2023

AMANBIR SINGH SARNA

... Petitioner

VERSUS

NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Amarbir Singh Salar, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 28.11.2022 (Annexure P-14) passed by the National Consumer Disputes Redressal Commission and further for seeking modification of order dated 01.6.2018 (Annexure P-12) passed by the Punjab State Consumer Disputes Redressal Commission, Chandigarh.

Learned counsel for the petitioner contends that the complaint filed by the petitioner was allowed and the respondents were directed to grant interest to the petitioner on an amount of Rs.74,30,842/- without taking into consideration the earnest money of Rs.6,90,000/- that had been deposited by the petitioner. Hence, the petitioner was entitled to interest on a total amount of Rs.81,65,842/-.

At the initial stage when the complaint was filed, the aforesaid earnest money had not been mentioned in the complaint. However, an application under Order 6 Rule 17 of the C.P.C. for amendment of the complaint was moved, which was allowed, wherein the details of the earnest money deposited and the total deposited amount had been furnished. Notwithstanding that the amendment of the complaint in question, the entitlement of the petitioner to avail interest on the total amount including the earnest money has not been taken into consideration by the Authorities below.

I find that the error, if any, is on the part of the Authorities below while ignoring the factual aspect. The same can very well be raised by the petitioner by moving an application for review in terms of Sections 50 and 60 of The Consumer Protection Act, 2019.

Faced with the above, learned counsel for the petitioner seeks withdrawal of the present petition so as to take recourse to the alternative remedy available to the petitioner, in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

OCTOBER 10, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No