



CWP-33881-2024

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-33881-2024

Date of Decision: 16.12.2024

IMPROVEMENT TRUST, BATHINDA

.....PETITIONER

VERSUS

OM PRAKASH

....RESPONDENT

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. S.K. Bokolia, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the order dated 07.11.2024 (Annexure P-1) passed by the National Consumer Disputes Redressal Commission whereby the revision petition preferred by it against the order dated 04.07.2016 passed by the State Consumer Disputes Redressal Commission has been dismissed.

2. Learned counsel for the petitioner submits that as the respondent did not apply for the plot before the last date from the receipt of the applications, the National Consumer Disputes Redressal Commission has erroneously had directed the allotment of plots. He further submits that the respondent had preferred the complaint in the year 2011, although allotment of draw of lots had been taken place on 16.12.2001 and therefore, it was barred by limitation.

3. Heard.



4. The petitioner had invited the applications for allotment of plots in the year 1999 in various categories including freedom fighter category. The last date for submission of applications was 19.03.1999 and the applicants were required to deposit earnest money of Rs.14,000/- along with the applications. Respondent had sent the application on 19.03.1999 and he had deposited earnest money of Rs.14,000/- with the bank. The bank appears to have forwarded the application of the respondent on 23.03.1999 since there were bank holidays from 20.03.1999 to 23.03.1999. In the terms and conditions set out for allotment, it was mentioned that the Oriental Bank of Commerce is the authorized bank where the applications would be submitted along with earnest money.

5. It is manifest that the respondent had made the application as well as deposited the earnest money by the due date i.e. 19.03.1999. The bank could not forward the application immediately as there were bank holidays. The respondent cannot in any manner be penalised for the delay in forwarding the application by the bank. He did not have any control over the process after he had made the application along with deposit of the amount. In such circumstances, the application of the respondent ought to have been considered by the petitioner for allotment of plots.

6. Furthermore, the complaint preferred by the respondent was within the period of limitation as the petitioner was required to refund the earnest money in the year 2001 when the process for allotment had been completed. The petitioner did not refund the amount at that time and the amount was

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refunded after 10 years when the respondent had preferred an application under the RTI seeking to find out about the status of his allotment. Immediately, thereafter the amount of Rs.14,000/- was refunded by the petitioner. After the refund had been made, the respondent had promptly preferred the complaint on 23.11.2011 which is within the prescribed period of limitation. Such situations are squarely covered under Section 19 of the Limitation Act. Section 24-A of the Consumer Protection Act, 1986 provides limitation period of two years in preferring the complaint from the date of cause of action arises.

7. We deem it appropriate to notice that the action of the petitioner forcing a freedom fighter to knock the doors of the Court for seeking redressal of his grievance with regard to his lawful claim is unfortunate. The matter ought to have been dealt with sensitivity, especially when it pertains to a freedom fighter.

8. Consequently, we do not find any illegality in the order of the National Consumer Disputes Redressal Commission, which would warrant interference in extraordinary jurisdiction. This petition is accordingly dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

16.12.2024

Prince

Whether speaking/ reasoned : Yes/No
Whether Reportable : Yes/No