

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 236 OF 2022  
[@ SPECIAL LEAVE PETITION (C) NO. 18395 OF 2021]

HARYANA SHAHARI VIKAS PRADHIKARAN  
(HSVP) & ANR.

Appellant(s)

VERSUS

RANJIT NARULA & ANR.

Respondent(s)

O R D E R

Leave granted.

The challenge in the present appeal is to an order passed by the National Consumer Disputes Redressal Commission [in short, "NCDRC"] on 12.07.2021, whereby while issuing notice on a miscellaneous application, the present appellants were directed not to alienate, sell, allot or create any third party rights on the allotted Industrial Plot No. 556-P, Industrial Estate, Pace City, Phase-II, Gurugram, Haryana, until final disposal of the application.

The aforesaid industrial plot was allotted to the respondents on 13.05.1996 being a Non-Resident Indian, subject to the conditions that the rate at which the plot was allotted is provisional subject to upward revision or enhancement.

The respondents disputed the demand of enhanced price. A complaint before the State Consumer Dispute

Redressal Commission was dismissed on 05.10.2007. Thereafter, an appeal was preferred before the NCDRC, being First Appeal No. 530/2008, which was dismissed for want of prosecution on 05.09.2013.

In the meantime, the appellants filed an appeal before the Administrator of the then Haryana Urban Development Authority, which was allowed on 28.10.2011, giving time to the respondents to complete construction and start production within six months. Such order was set aside by the Revisional Authority on 21.02.2014.

It is thereafter, the respondent filed a Miscellaneous Application No. 107 of 2021 claiming, *inter alia*, the following reliefs :-

- "a) Allow the application and direct the respondents to issue the Regular Letter of Allotment for the already allotted Industrial Plot No. 556-P, Industrial Estate, Pace City, Phase-II, Gurugram, Haryana; and*
- b) Direct the Chief Administrator of the respondent HSVP as an ad-interim measure to dispose of the Representation dated 15.03.2021 (Annexure A-9) filed by the applicant/appellant in the light of order dated 09.05.2021 (Annexure A-10) and accept the total balance payment, if any, towards the price of the plot as per letter dated 09.10.1998 after providing relaxation under the Scheme "Vivadon Ka Samadhan" and issue Regular Letter of*

*Allotment for allotment of Industrial Plot No. 556-P, Industrial Estate, Pace City, Phase-II, Gurugram, Haryana; and*

*c) Direct the Respondents to not to alienate, sell or allot or create any third party interest in any manner in the already allotted Industrial Plot No. 556-P, Industrial Estate, Pace City, Phase-II, Gurugram, Haryana until the disposal of this application; and*

*d) Allow the First Appeal No. 530/2008 in the light of the prayer (a) & (b) and set aside the judgment and order dated 05.10.2007 in Complaint Case No. 15/1999(Hry)/RBT/114/2007 by the State Commission Chandigarh; and*

*e) Pass any order or directions that the Hon'ble Commission may deem fit and appropriate in the facts and circumstances of the case to do complete justice".*

A perusal of the aforesaid prayers would show that the respondents have not sought even recall of the order dismissing the appeal on 05.09.2013. But the NCDRC not only entertained the miscellaneous application but also restrained the appellants from selling or creating any charge over the plot.

Subsequently, after passing of the impugned order, the appellants have filed application before the NCDRC, *inter alia*, praying that miscellaneous application is not maintainable. Such application is still pending.

We have heard learned Counsel for the parties. We find that the order of NCDRC is not sustainable. The industrial plot was allotted to the respondent way back in 1996. The respondents have not paid the enhanced price of the plot nor raised construction nor started production, which are conditions of the allotment. The industrial plot was allotted for the industrial growth in the State and not for holding the plot as an investment. For almost 25 years, the plot allotted to the respondents has not been put to use for which it was intended to be allotted. The proceedings under the Consumer Fora have remained unsuccessful, so are the proceedings under the Haryana Urban Development Authority Act, 1977.

The circuitous route taken up by the respondents to file a miscellaneous application for reliefs when the proceeding stands concluded is wholly unfair, unjust and cannot be sustained.

Consequently, the order passed by the NCDRC on 12.07.2021 is set aside and the appeal is allowed.

.....J.  
[ HEMANT GUPTA ]

.....J.  
[ V. RAMASUBRAMANIAN ]

New Delhi;  
JANUARY 07, 2022.

ITEM NO.25                      Court 11 (Video Conferencing)                      SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 18395 of 2021

(Arising out of the impugned interim order dated 12.07.2021 passed by the National Consumer Disputes Redressal Commission, New Delhi in Misc. Application No. 107 of 2021 in FA/530/2008)

HARYANA SHAHARI VIKAS PRADHIKARAN (HSVP) & ANR.                      Appellant(s)

VERSUS

RANJIT NARULA & ANR.                      Respondent(s)  
(IA No. 146092/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-01-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA  
                    HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Appellant(s)                      Mr. Anil Grover, AAG  
   Ms. Noopur Singhal, Adv.  
   Mr. Rahul Khurana, Adv.  
   Mr. Satish Kumar, Adv.  
   Mr. Sanjay Kumar Visen, AOR  
   Ms. Adira A. Nair, Adv.

For Respondent(s)                      Mr. Ashok Agarwal, Sr. Adv.  
   Mr. Naveen Sharma, AOR  
   Ms. Swati B. Sharma, Adv.  
   Ms. Shilpa Sood, Adv.  
   Mr. S. K. Sharma, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)  
COURT MASTER

(RENU BALA GAMBHIR)  
COURT MASTER

(Signed order is placed on the file)