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

**CWP-23479-2025 (O&M)
Date of Decision: 13.08.2025**

Improvement Trust Faridkot

...Petitioner

Versus

Jitender Kumar Takyar & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present: Mr. Abhilaksh Gaind, Advocate, for the petitioners.

GURVINDER SINGH GILL, J.

1. Faridkot Improvement Trust has approached this Court seeking quashing of order dated 28.07.2023 (Annexure P-5) passed by the National Consumer Disputes Redressal Commission, New Delhi (for short 'the NCDRC').
2. A few facts necessary to notice are that the Faridkot Improvement Trust floated a scheme in the year 2013 for allotment of residential plots of various sizes in Baba Jeevan Singh Nagar, Faridkot. Respondent No.1 – Jitender Kumar Takyar had applied for allotment of a plot measuring 200 sq. yds. and deposited the requisite earnest money. Pursuant thereto, plot No.93 was allotted to him and an agreement to sell was also executed. Although respondent No.1 had paid an amount of Rs.13,16,000/-, but the Faridkot Improvement Trust neither completed the development works nor handed



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over the physical possession. Respondent No.1 (allottee) was, thus, constrained to approach the State Consumer Disputes Redressal Commission, Punjab, Chandigarh (for short 'the SCDRC') by way of filing a complaint. The SCDRC vide its award dated 12.03.2020 allowed the complaint while issuing the following directions:

- “i) to deliver the actual and physical possession of the plot bearing No.93, measuring 200 sq. yards as per the allotment letter dated 02.04.2014 and agreement for sale dated 24.07.2014 within a period of three months, as prayed, alongwith all the facilities like developed roads, sewer, water and electricity lines etc. and completion certificate from the date of receipt of certified copy of order.
- ii) to pay 12% interest on the deposited amount i.e. Rs.13,16,000/- from the stipulated date of possession i.e. 24.08.2014 as per clause 3 of the allotment letter till the actual handing over the possession as per relief (i).
- iii) to pay Rs.25,000/- as compensation on account of mental agony and harassment as well as litigation expenses.

In case the opposite party fail to comply with the above order within a period of three months, then in the alternative the opposite party is directed as under:

- i) to refund the amount of Rs.13,16,000/- along with interest at the rate of 12% per annum from the respective dates of deposit till realization.
- ii) to pay Rs.25,000/- as compensation on account of mental agony and harassment as well as litigation expenses.”

3. Aggrieved by the said award dated 12.03.2020, the petitioner preferred an appeal before the NCDRC, which was disposed of vide award dated 28.07.2023. The relevant extract of award dated 28.07.2023 reads as under:

“In view of the aforesaid submissions made at the bar and in view of the facts and the circumstances of the case, it is deemed fit to modify the award made by the State Commission to the extent and effect that:



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- i) the entire deposited amount of the complainant with the opposite parties shall be refunded alongwith interest @ 10% per annum from the date of deposits till actual refund of the said amount.
- ii) the cost of litigation to the tune of Rs.25,000/- is also awarded and shall be paid to the complainant.
- iii) the entire payment shall be made within eight weeks from today, failing which the amount shall attract interest @ 12% per annum.

The amount, if any, deposited in compliance of this Commission's order dated 20.01.2021 shall be released to the complainant alongwith the interest accrued thereon. The residual amount shall be made good by the opposite party within eight weeks from today, failing which the complainant would be at liberty to approach the executing court for recovery of the same. On receipt of such an execution application, the State Commission shall undertake execution, for 'enforcement' and for 'penalty', as per the law."

4. The Faridkot Improvement Trust, still being aggrieved, approached the Hon'ble Supreme Court by way of filing SLP, which came to be disposed of on 13.12.2023 by granting liberty to the petitioner/s to withdraw the SLP while reserving their rights to approach this Court. Consequently, the instant petition has been filed before this Court seeking quashing of order dated 28.07.2023 (Annexure P-5).
5. We have heard learned counsel for the petitioners.
6. Upon examining the facts, we find that apart from not completing the development work, the petitioner – Faridkot Improvement Trust has failed to deliver physical possession of the plot in the residential colony i.e. Baba Jeewan Singh Nagar, Faridkot, where the plot was allotted to respondent No.1 despite the fact that respondent No.1 had paid the entire amount as was payable in terms of allotment letter dated 02.04.2014 (Annexure P-1). The



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said findings of fact are based on the evidence led by the parties. Respondent No.1 remained deprived of the said amount and could not proceed further to build a home for himself. Under these circumstances, Faridkot Improvement Trust was liable to compensate the complainant. No infirmity in the findings recorded by the SCDRC or by the NCDRC could be pointed out by the petitioner, so as to justify taking a different view.

7. Apart from the said fact, the instant petition would also suffer from delay and laches inasmuch as it was on 13.12.2023 that the SLP was withdrawn, whereas the instant petition came to be filed on 27.05.2024 without there being any explanation for the delay.
8. Consequently, the award passed by the NCDRC for refund of the amount alongwith interest and also the award of compensation cannot be said to be erroneous. The interest as imposed by the NCDRC and also the compensation certainly cannot be said to be on higher side so as to warrant interference by this Court. Finding no merit in the instant petition, the same is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

13.08.2025

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(DEEPINDER SINGH NALWA)
JUDGE

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