

**IN THE DELHI STATE CONSUMER DISPUTES
REDRESSAL COMMISSION**

**JUDGMENT RESERVED ON: 10.08.2020
JUDGMENT PRONOUNCED ON: 14.08.2020**

COMPLAINT NO. 1111/2018

IN THE MATTER OF:

**SMT. ASHIMA RENGANATHAN
W/o SH. NATARAJAN RENGANATHAN,
R/o BLOCK C-46/Z-3,
DILSHAD GARDEN
DELHI**

.....COMPLAINANT

VERSUS

**M/S SARVOTTAM REALCON PVT. LTD.
THROUGH MANAGING DIRECTORS,
AT A-115, OFFICE NO. 301,
OLD NO -51 THIRD FLOOR,
GALI NO. 1, VAKIL CHAMBER,
SHAKARPUR,
NEW DELHI - 110092**

.....OPPOSITE PARTY

CORAM:

**HON'BLE DR. JUSTICE SANGITA DHINGRA SEHGAL
(PRESIDENT)
HON'BLE SH. ANIL SRIVASTAVA, (MEMBER)**

Present: Suneet Nagpal, Counsel for the Complainant.
OP, Ex parte.

PER: Hon'ble Dr. Justice Sangita Dhingra Sehgal, President

JUDGMENT

[Via Video Conferencing]

1. The complaint on being returned from the District forum vide order dated 06.04.2018 on the ground of pecuniary

applicable shall be deducted towards the processing and administrative charges and the balance, if any, shall be refunded without any interest and Rs. 10,000/- payable by the Allottee/applicant as file charges.”

7. We are of the considered opinion that although clause 9 of the allotment letter provides for deduction of 10% of the basic sale price plus service taxes in case of cancellation of the booking by the Allottee but the OP neither appeared before this Hon'ble Commission nor manifested anything substantive to show that the forfeiture of the said amount was legal and in consonance with the terms of the allotment letter. Therefore, this Hon'ble Commission holds that this complaint deserves to be accepted to the extent that the complainant is entitled to get refund of the money i.e. Rs. 6,00,000/- she had given as an advance to the OP.
8. The **next question for consideration** now is as to how the complainant is to be compensated for the suffering caused to her at the hands of the OP for negligence and deficiency of service. The provisions of the Act enable a consumer to claim and empower the commission to redress any injustice done to a consumer. The commission is entitled to award compensation for the injustice suffered by them.
9. Taking into consideration the facts and circumstances of the present case, we are of the view that the interest on Rs. 6,00,000/- at the rate of 6% p.a. is sufficient so as to compensate the complainant for the pain and injustice suffered by her due to the acts of OP.