

CORRECTED

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 7911/2023

HARYANA SHEHRI VIKAS PRADHIKARAN (HSVP) & ORS.

A-1: Haryana Shehri Vikas Pradhikaran (HSVP)

A-2: The Administrator,
Haryana Shehri Vikas Pradhikaran (HSVP)A-3: The Estate Officer,
Haryana Shehri Vikas Pradhikaran (HSVP)

Appellant(s)

VERSUS

M/S. CITY VIEW ENTERPRISES

Respondent(s)

O R D E R

Heard Mr. Lokesh Sinhal, learned Senior Additional Advocate General (AAG) for the appellants and Mr. Naveen Sharma, learned counsel for the respondent.

2. The appellants have moved this Court against the order dated 17.04.2023 passed by the National Consumer Dispute Redressal Commission at New Delhi (for short "NCDRC") in Miscellaneous Application No. 106 of 2021 in Consumer Complaint No. 202 of 2010.

3. Learned Senior AAG for the appellants submit that the respondent has misused the process of the Court and the NCDRC. It

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SACHIN KUMAR
SRIVASTAVA
Date: 2023.04.10
10:42:39 IST
Reason:

was contended that the plot in question was sold in auction to a third party from whom the respondent had purchased it for a

commercial purpose.

4. It was contended that when the respondent moved the Authority concerned for grant of a Completion Certificate of his project, the same was refused primarily on the ground that there were zoning violations which were of a nature which could not be condoned or compounded. However, it was submitted that surprisingly, the respondent moved before the NCDRC which, by a detailed and reasoned order dated 01.02.2016, passed by a quorum of two Members of the NCDRC, had dismissed the claim, holding that the respondent was not a consumer in view of the matter relating to purchase of a commercial plot in a public auction and rejection of the Occupancy Certificate in respect of a commercial building constructed on such plot.

5. Learned counsel submitted that there was no infirmity in the order and the respondent had also accepted the same as for five years, he did not move against the said order. However, surprisingly, according to the learned counsel, in the year 2021 M.A. No. 106 of 2021 was filed for Direction in the said case, which already stood disposed of. The said M.A. was pending and in the meantime, this Court in CA No. 236 of 2022 by order dated 07.01.2022 had observed that such M.A. would not be maintainable before the NCDRC in a disposed of matter. It was contended that despite all this, by the impugned order, the order dated 01.02.2016 was recalled, the M.A. filed by the respondent was allowed and consequently the earlier order dated 01.02.2016 was recalled and a direction was issued to the Authorities to issue

Occupancy/Completion Certificate to the respondent.

6. Learned counsel submitted that the order is in the teeth of not only statutory provisions, but also the order of this Court in CA No. 236 of 2022. It was further contended that even on facts, because of there being violation of zoning regulations, no indulgence can be shown to the respondent.

7. Learned counsel for the respondent submitted that the NCDRC in its order dated 01.02.2016, had erroneously held that it was a commercial transaction and the respondent was not a consumer, whereas the fact is that he is a consumer as ultimately, it is to individual parties that the built up space has been sold and thus the respondent can act on their behalf in representative capacity.

8. While winding up his argument, the learned counsel for the respondent submitted that as of now, there is a scheme floated by the State of Haryana under which the prayer of the respondent can be considered under which he has already applied.

9. Having considered the matter, we find that the order impugned dated 01.02.2016, passed by the NCDRC in Consumer Case No. 202 of 2010, is well reasoned and did not suffer from any infirmity, much less could have been reversed on the basis of a Miscellaneous Application filed by the respondent. Further, we find that the cause of action to the respondent against the order dated 01.02.2016, not being agitated before the appropriate forum for five years itself was a ground for his M.A. to be rejected outright. We also note here that in the M.A., the reliefs claimed

for are substantially new and different from what was the original prayer made in Consumer Case No. 202 of 2010.

10. Thus, we find that the very inception of the proceedings, which was before the NCDRC was misconceived.

11. Accordingly, for the reasons aforesaid, the appeal is allowed. The order impugned dated 17.04.2023 passed by the NCDRC in Miscellaneous Application No. 106 of 2021 in Consumer Complaint No. 202 of 2010 is set aside. The order of the NCDRC dated 01.02.2016 in Consumer Case No.202 of 2010 stands revived.

12. It shall be open to the respondent to move before the appropriate forum, in accordance with law, for any grievance he may have which shall be considered on its own merit, in accordance with law.

13. Pending applications, if any, stand disposed of.

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(MANMOHAN)

NEW DELHI
SEPTEMBER 2nd, 2026

ITEM NO.15/1

COURT NO.9

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 7911/2023

HARYANA SHEHRI VIKAS PRADHIKARAN (HSVP) & ORS.

Appellant(s)

VERSUS

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Respondent(s)

IA No. 230578/2023 - STAY APPLICATION

Date : 02-09-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE MANMOHAN

For Appellant(s) : Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Samar Vijay Singh, AOR
Mr. Nikunj Gupta, Adv.
Ms. Sabarni Som, Adv.
Mr. Aman Dev Sharma, Adv.
Mr. Gaj Singh, Adv.
Mr. Deepak Aggarwal, Adv.
Mr. Varun Prasad, Adv.

For Respondent(s) : Mr. Naveen Sharma, AoR
Mrs. Swati Bhushan Sharma, Adv.
Mr. S K Sharma, Adv.
Mr. Shreeyash Uday Lalit, Adv.
Mr. Anurag Parashar, Adv.
Mr. Samaksh Sharma, Adv.
Mr. Hasan Abbas, Adv.
Ms. Payal Gola, Adv.

O R D E R

Heard Mr. Lokesh Sinhal, learned Senior Additional Advocate General for the appellants and Mr. Naveen Sharma, learned counsel for the respondent.

2. Appeal stands allowed in terms of the corrected signed order which is placed on the file.

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(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR

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third party from whom the respondent had purchased it for a commercial purpose.

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RECORD OF PROCEEDINGS

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