

AD-40
November 18, 2014
md.

C.O. 3292 of 2014
Smt. Maitrayee Datta and another
Vs.
Bengal Unitech Universal Infrastructure Pvt.Ltd. and others

Mr. Sarvapriya Mukherjee
Mr. S.K. Kanodia
.. for the petitioners

Mr. Ranjan Bachwat
Mr. Sourasesh Dasgupta
Mr. Rakesh Dev

.. for the respondents-opposite parties

The opposite parties are represented and though they say that an efficacious, alternative remedy was available to the petitioners under the Consumer Protection Act, 1986, and this petition ought not to have been entertained, it is evident that the challenge thrown by the petitioners is devoid of merit and the petitioners have, ultimately, to go to Delhi in any event.

The petitioner has questioned the propriety of an order by which the State Consumer Disputes Redressal Commission has held that it did not have the pecuniary jurisdiction to entertain the claim. The petitioners have based the valuation of the matter on the quantum of compensation claimed without adding

to such compensation the value of the flat which is the subject-matter of dispute between the parties.

Section 17(1)(a)(i) gives the State Commission the authority to entertain original complaints where the value of the goods and services and compensation, if any, claimed exceeds Rs. 20 lakh but does not exceed Rs.1 crore. The quantum of compensation claimed by the petitioners is in excess of Rs.55 lakh. In addition, the petitioners claimed to have paid about Rs.61 lakh by way of consideration for the flat in question. Thus the composite value of the claim of the petitioners, for the purpose of Section 17(1)(a)(i) of the said Act, is in excess of the pecuniary limit of the State Commission's authority to entertain a complaint.

C.O.3292 of 2014 is dismissed. There will be no order as to costs.

Since petitioners say that the pleadings have been completed and it was only at the final stage of the matter that the claim was returned in view of the objection as to pecuniary jurisdiction, it will be open to the petitioners to represent before the National Commission that the matter may be heard on the existing pleadings.

Certified website copies of this order, if applied for, be urgently made available to the parties, subject to compliance with all requisite formalities.

(Sanjib Banerjee, J.)