



COMPETITION COMMISSION OF INDIA

Case No. 37 of 2015

In Re:

Mr. Preetam Chhabra

A-463, 465, Dr Ambedkar Nagar,

Sector -1, New Delhi

Informant

And

Ansal Properties & Infrastructure Ltd.

115, Ansal Bhawan, 16, K G Marg,

New Delhi Opposite Party

CORAM:

Mr. Ashok Chawla

Chairperson

Mr. S. L. Bunker

Member

Mr. Sudhir Mital

Member

Mr. Augustine Peter

Member

Mr. U. C. Nahta

Member

Mr. M. S. Sahoo

Member

Order under Section 26(2) of the Competition Act, 2002

1. The present information has been filed under section 19(1)(a) of the Competition Act, 2002 (hereinafter referred to as the "Act") by Mr. Preetam



Chhabra (hereinafter referred to as the “**Informant**”) against Ansal Properties & Infrastructure Ltd. (hereinafter referred to as “**OP**”) alleging non-compliance of the order dated 08.08.2013 passed by the Hon'ble District Consumer Disputes Redressal Forum, New Delhi (“**DCDRF**”) in a case which was filed by the Informant.

2. As per the information, the Informant had booked two bedrooms flat in his and his wife's name during pre-launch stage of the project M-2, proposed to be constructed on G.T. Karnal Road at Kundli, Haryana by OP. The Informant had deposited an advance booking amount of Rs.2,50,000/- for the said flat.
3. It is submitted that OP, *vide* its letter dated 01.11.2006, informed the Informant that a flat in Ansal Green Escape Apartment situated at Sonipat has been allotted to him. Further, the Informant paid Rs.39,406/- and Rs.1,15,763/- through cheques to OP on demand in furtherance of purchase of the flat.
4. It is alleged that in December 2007, the Informant came to know that OP, deviating from its commitment given at the time of booking of the flat, had allotted a flat to him which is 5 km away from G.T. Karnal Road in Sonipat. The Informant has stated that he had requested OP, *vide* his letter dated 15.01.2008, to cancel his abovesaid allotment and refund an amount of Rs.4,05,169/-. After repeated requests, the Informant has stated to have asked OP to transfer the amount of Rs.4,05,169/- in the account of his wife Smt. Sushma Chhabra. It is averred that OP transferred an amount of Rs.3,42,880/- in the account of Smt. Sushma Chhabra.
5. It is submitted that aggrieved by the conduct of OP, the Informant alongwith his wife had filed two complaints before DCDRF. It is stated that DCDRF, *vide* its order dated 08.08.2013, had directed OP to refund the principal amount with interest at the rate of 9% per annum from the date of payment



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made by the Informant and his wife till realization. It is further submitted that in terms of said order, OP was liable to pay a sum of Rs.11,36,275/- to the wife of the Informant and a sum of Rs.2,05,586/- to the Informant. OP is alleged to have paid only Rs.11,36,275/- after deduction of TDS to the Informant's wife but Rs.2,05,586/- was due on the part of OP towards the Informant. It is alleged by the Informant that OP has not complied with the directions given by DCDRF *vide* its order dated 08.08.2013.

6. The Informant had further filed an application under section 27 of the Consumer Protection Act, 1986, before DCDRF on 08.01.2015. However, the said application is alleged to have been dismissed by DCDRF *vide* its order dated 20.04.2015 holding that the Forum cannot over rule its own order and in case of any grievance against the OP, the Informant may approach appropriate authority.
7. Based on the above allegations and the information, the Informant has prayed, *inter alia*, to take action against OP for recovery of a sum of Rs.2,05,586/- in terms of abovesaid order dated 08.08.2013 along with interest at the rate of 9% per annum till realization.
8. The Commission has perused the material available on record.
9. In the instant case, the Informant is primarily aggrieved by the conduct of OP for non-compliance of the said order dated 08.08.2013 passed by the DCDRF in two cases filed by the Informant and his wife.
10. The Commission notes that the allegation of the Informant as against OP for non-compliance of the said order dated 08.08.2013 passed by the DCDRF does not fall within the jurisdiction of the Commission under the Act. The dispute raised by the Informant is basically a consumer related issue and does not come under the ambit of the Act. The issue raised therein do not involve



any issues which contravenes the provisions of the Act. The Informant has also not provided any cogent material to highlight any contravention of the provisions of the Act.

11. In light of the above analysis, the Commission finds that no *prima facie* case of contravention of the provisions of the Act is made out against OP in the instant matter. Accordingly, the matter is closed under the provisions of section 26(2) of the Act.
12. The Secretary is directed to inform the parties accordingly.

Sd/-
(Ashok Chawla)
Chairperson

Sd/-
(S .L. Bunker)
Member

Sd/-
(Sudhir Mital)
Member

Sd/-
(Augustine Peter)
Member

Sd/-
(U. C. Nahta)
Member

Sd/-
(M. S. Sahoo)
Member

New Delhi
Dated: 25.06.2015