

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI

FIRST APPEAL NO. 511 OF 2011

(Against the Order dated 26/08/2011 in Complaint No. 19/2008 of the State Commission Haryana)

1. SURENDER CHHIKARA

S/o Sh. Tikk Ram, R/o Viillage Tatesher, P.O. Jaunti,
DELHI

.....Appellant(s)

Versus

1. HUDA & ANR.

The Chief Administrator, Sector-6, Panchkul
Haryana

2. HUDA

THE ESTATE OFFICER, Sonipat,
Haryana

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE ASHOK BHAN, PRESIDENT

HON'BLE MRS. VINEETA RAI, MEMBER

HON'BLE MR. VINAY KUMAR, MEMBER

For the Appellant : MR. MADHURENDRA KUMAR

For the Respondent : NEMO

Dated : 06 Aug 2013

ORDER

Complainant/appellant purchased a 'commercial site' in an open auction. Complaint filed by the appellant was dismissed by the State Commission as not maintainable in view of law laid down by Supreme Court in "**U.T. Chandigarh Administration & Anr.**

V/s Amarjeet Singh & Ors. (2009) 4 SCC 660" wherein it has been held that a purchaser who purchases commercial property in an open auction is not a consumer falling within the definition of Consumer in Section 2 (1) (d) (i) of Consumer Protection Act, 1986. We do not find any infirmity in the order passed by the State Commission.

Counsel for the appellant, at this stage, seeks to withdraw the appeal as well as the complaint with liberty to seek redressal of his grievance in any other forum.

The appeal as well as the complaint is ordered to be dismissed as withdrawn.

However, liberty is reserved with the appellant to seek redressal of his grievance from any other forum along with an application under Section

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14 read with Section 5 of the Indian Limitation Act seeking to exclude the time spent in the consumer fora while calculating the limitation in the light of the observations of the Supreme Court in *Laxmi Engineering Works vs. PSG Industrial Institute* – (1995) 3 SCC 583.”

.....J
ASHOK BHAN
PRESIDENT

.....
VINEETA RAI
MEMBER

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VINAY KUMAR
MEMBER