

(1993) 06 NCDRC CK 0085

In the National Consumer Disputes Redressal Commission

ATMA RAM, AMAR NATH

APPELLANT

Vs

SANTOSH KUMAR AGGARWAL

RESPONDENT

Date of Decision : 10-06-1993

Acts Referred:

Citation : 1993 2 CPJ 1000

Hon'ble Judges : S.S.Sandhawalia , Basanti Devi , S.Kulwant Singh J.

Final Decision : Revision petition allowed

Judgement

1. THIS revision petition is directed against the order of the District Forum, Ambala City dated 22nd March, 1993 whereby Chand, Proprietor of the petitioner-firm has been sentenced one month's imprisonment for non-compliance of the orders of the District Forum, dated 30th June, 1992.

2. THE purported appeal against the order of the District Forum was treated as a Revision and admitted to hearing vide our order dated April 9, 1993. By the substantive order, the District Forum had directed on June 30, 1992 that the defective meter supplied by the petitioner be repaired within 30 days from the date of order failing which provisions of Section 27 of the Act would be invoked against it. THE learned Counsel for the petitioner has now-placed on record the signed statement of the complainant-respondent in the terms following : "That I have reached an agreement with the respondent. I have taken the Water Meter and the payment of the Water Bill and I am fully satisfied with the party and have no grudge against the party."

It would be manifest from the aforesaid that not only has the substantive order of the District Forum now been complied with but full accord and satisfaction has been rendered to the complainant- respondent.

It has been recently held by this Commission in I (1993) CPJ 220=1993 CPC 351. "H.S.E.B. v. Pirthi Singh" that full and un-reserved compliance by the opposite party with the order of the District Forum would be an extenuating the circumstance to soften the rigor of penalty imposed under Section 27 of the Act.

3. WE are inclined to take a view that the said ratio is applicable in the present case and because of the un-conditional compliance with the orders of the District Forum, the sentence of imprisonment imposed may not be executed. WE consequently allow the revision petition and modify the order of the District Forum on the point of sentence to that already undergone, if any at all. Revision petition allowed.