

(1999) 05 NCDRC CK 0035

In the National Consumer Disputes Redressal Commission

BIJOLI BHATTACHARJEE

APPELLANT

Vs

GODREJ AND BOYCEE MANUFACTURING COMPANY (P) LTD.

RESPONDENT

Date of Decision : 24-05-1999

Acts Referred:

Citation : 1999 3 CPJ 145

Hon'ble Judges : S.C.Datta , Monoranjan Ghosh J.

Final Decision : Appeal disposed of

Judgement

1. THIS is an appeal by the complainant against the order dated 18.12.1997 passed by Calcutta District Forum, Unit-I whereby the Forum was pleased to pass the following order. The opposite parties-1 to 3 M/s. Godrej and Boycee Manufacturing Company (P) Limited, shall repair the Fridge of the petitioner afresh, if necessary, to the full satisfaction of the petitioner, free of charge for once only.

2. FEELING aggrieved by the order of the Forum, the complainant has approached the Commission in appeal. It is contended by the appellant that the respondent has not yet complied with the order of the Forum. According to the appellant, there was a latent defect in the Fridge for which overflow of water from the Fridge could not be arrested. Therefore, the Forum was not right in issuing direction for its repair only. According to him, the Forum ought to have directed replacement of the Fridge inasmuch as the overflow of water was not stopped even after an extra tray was fitted to the Fridge. Learned Counsel for the respondent supports the judgment and contends inter alia that because of pendency of this appeal the repair work as ordered by the Forum could not be undertaken and completed. It is noticed from the impugned judgment that the complainant has not spelt out what the latent defect is. It appears that the complaint was with regard to extra flow of water. It is also noticed that an extra tray has been provided to safeguard overflow of water. It is accepted that the Refrigerator has been working properly and as such the Forum did not think it proper to order replacement of the said Refrigerator but directed the opposite

parties to effect repair of the Refrigerator to the full satisfaction of the petitioner free of charge for once only.

We have anxiously considered the submissions advanced by the learned Counsel for the appellant and we find no merit in the Appeal. The Forum was perfectly justified in passing the impugned order. The impugned order is affirmed and the opposite parties are directed to effect repair of the Fridge as ordered by the Forum within a period of one month from the date of communication of this order. The appeal is disposed of as such on contest but without cost. Appeal disposed of. _____