

(2007) 09 NCDRC CK 0050

In the National Consumer Disputes Redressal Commission

DELHI AUTO AND GENERAL FINANCE PVT LTD

APPELLANT

Vs

MEHRA GOEL AND CO

RESPONDENT

Date of Decision : 06-09-2007

Acts Referred:

Citation : 2008 1 CPJ 412

Hon'ble Judges : J.D.Kapoor , Rumnita Mittal J.

Final Decision : Appeal allowed

Judgement

1. LIMITED grievance of the appellant against order dated 31. 7. 2003, passed in execution proceedings is that instead of straightaway proceeding under Section 27 of the Consumer Protection Act, 1986, the District Forum should have proceeded in accordance with the provisions of Section 25 of the Consumer Protection Act, 1986.

2. THE grievance appears to be justified. The respondent is concerned with the recovery of the dues awarded to him. So far as proceedings under Section 27 of the Act are concerned these are penal proceedings against a person who fails or omits to comply with the order passed by the District Forum or State Commission. Such proceedings can end up in fine upto Rs. 10,000 or imprisonment only and therefore no useful purpose is served in initiating proceedings under Section 27 of the Consumer Protection Act, 1986, at first instance. Counsel for the appellant states that there are batch matters lying and they are settling the dispute with the persons. In the result, the appeal is allowed with the direction to the District Forum to first exhaust the proceedings under Section 25 of the Consumer Protection Act, 1986. However, the appellant shall make endeavour for making payments to the respondent before District Forum on the date fixed before the District Forum.

The parties are directed to appear before District Forum on 5. 10. 2007.

3. A copy of this order as per the statutory requirements be forwarded to the parties free of charge and also to the concerned District Forum and thereafter

the file be consigned to Record Room. Appeal allowed.