

**(1999) 11 NCDRC CK 0039**

**In the National Consumer Disputes Redressal Commission**

D.S.BHINDER

APPELLANT

Vs

AMIT RISHI

RESPONDENT

**Date of Decision :** 29-11-1999

**Acts Referred:**

**Citation :** 2000 1 CPC 593 : 2000 1 CPJ 564 : 2000 2 CLT 17

**Hon'ble Judges :** H.S.Brar , Jasbir Singh , Davinder Kaur Bhamrahs J.

**Final Decision :** Appeal dismissed with costs

**Judgement**

1. IT is an appeal against the order dated 17.8.1998 of the District Consumer Disputes Redressal Forum, Amritsar (hereinafter called the District Forum).

2. BRIEFLY stated the facts are that opposite party, who is the proprietor of Sikh National College, Nathuana Darwaja, Jandiala Guru gave an advertisement in the newspaper "Daily Punjab Kesri" dated 3.10.1997 stating that they had arrangement for the success of candidates in B.A. final, even though they had not qualified in Plus two and that the candidates could be successful within two years in B.A. final. On reading this advertisement, the complainant contacted the opposite party, Sh. D.S. Bhinder, Principal, Proprietor of the above said Sikh National College. Mr. Bhinder assured the complainant if he deposited Rs. 9,000/- he would arrange the Detailed Marks Cards of B.A. Part I and B.A. Part II from Punjab University, Chandigarh. The complainant deposited Rs. 9,000/- with the opposite party. Complainant was also persuaded to deposit Rs. 3,000/- for admission in B.A. Final. This amount was received by the opposite party vide memo No. 402 dated 24.9.1997. It is then alleged by the complainant that the opposite party arranged forged Detailed Marks Cards of B.A. Part I and B.A. Part II and handed over the photocopies of Detailed Marks Cards to the complainant. Opposite party never imparted education to the complainant but indulged in unfair trade practice by extracting a sum of Rs. 12,000/- from the complainant. Following reliefs were asked for in the complaint : (i) Directions to the opposite party to refund Rs. 12,000/-. (ii) Compensation of Rs. 2 lacs for indulging in unfair trade practice and also for wasting precious time of the complainant. (iii)

### Cost of the complaint.

The complainant had also filed an affidavit affirming his assertions made in the complaint. Reply was filed by D.S. Bhinder, opposite party, wherein it is admitted that the complainant was asked to deposit a sum of Rs. 3,000/- with the opposite party No. 1. It is denied that he had informed the complainant to get the certificate of B.A. Part I and B.A. Part II. It is then stated in the written reply that out of Rs. 3,000/- received from the complainant, he had deposited a sum of Rs. 1,900/- in the Punjab University, Chandigarh. The opposite party has not admitted having issued receipt of Rs. 7,500/- on 17.1.1998, but issuance of receipt dated 24.9.1997 is admitted. It is also admitted in the reply that the opposite party agreed for getting admission B.A. Part III on the basis of certificates produced by complainant of B.A. Part I and B.A. Part II. It is also admitted in the reply that the admission in the Punjab University was managed, but the Punjab University demanded two certificates of B.A. Part I and B.A. Part II. The complainant, according to the reply given, failed to produce the above said certificates before the Punjab University and for this reason he was unable to appear in the examination. After hearing the arguments and having gone through the documents on the file, District Forum accepted the complaint and directed the opposite party to refund Rs. 10,500/- with 15% per annum interest from the date of deposit till the date of payment, by holding that the opposite parties were exploiting and extracting money from the students by misrepresentations by giving advertisement in the newspapers and thus they indulged in unfair trade practice and extracted Rs. 10,500/- from the complainant.

After perusing the record of the case we do not find any infirmity in the order of the District Forum, which is based upon cogent reasons advanced on the basis of record.

3. THE plea of D.S. Bhinder, opposite party No. 1 that after admission of the complainant in the Punjab University, he was unable to produce two certificates of B.A. Part I and B.A. Part II and for that reasons he could not appear in B.A. Part III examination in the Punjab University is belied by the advertisement in the "Daily Punjab Kesri" dated 3.10.1997. This advertisement was given by the opposite party i.e. Sikh National College, wherein it was specifically stated that they could manage success of the students even though they had not qualified in the Plus II examination and the students failing in Plus II examination could be successful in B.A. Final year with two years gap. THE version of the opposite party that the complainant could not produce Detailed Marks Card of B.A. Part I and B.A. Part II thus could not be believed. THE complainant was asked only to pay the requisite money. THE rest had to be arranged by the opposite party. It is also pertinent to mention here that the opposite party left the city Amritsar after receiving money from the innocent students on the basis of publication in the paper in March, 1998 and a publication again appeared in "Daily Ajit" dated 15.3.1998 that Sikh National Academy had been closed and the concerned

should contact Principal Harkishan Singh Bhatia at House No. 690, Santokhpura, Jalandhar. District Forum has thus rightly reached at a conclusion in view of the two advertisements given in the newspapers that D.S. Bhinder and Harkishan Singh Bhatia were running academy named as Sikh National College, opposite party and they were exploiting the students by giving advertisement in the newspapers by stating that the students who had not qualified or passed in Plus II examination could be successful within two years and could get degree of B.A. Part III provided they get admission in their College. In view of that advertisement, complainant deposited a sum of Rs. 12,000/-. It is clearly established from two receipts placed on the file. Sum of Rs. 3,000/- was deposited vide receipt No. 402 dated 24.9.1997 in the Sikh National College, receipt of which has been admitted by D.S. Bhinder, the opposite party not only in his affidavit but also in his cross-examination. District Forum has also relied upon 1998 (1) CPC page 222 in order to substantiate the case of the complainant party. We do not intend to comment upon the further points, taken up for discussion by the District Forum as according to us what we have already discussed above would be sufficient to establish the case of the complainant. It is a case in which adequate compensation should have been awarded to the complainant-student, but we are unable to do anything as far as we know no appeal has been filed by the complainant against the order of the District Forum. In these circumstances, we do not find any merit in this appeal, which is dismissed with costs, which are quantified at Rs. 1,000/-. Appeal dismissed with costs.