
(2005) 10 NCDRC CK 0097

In the National Consumer Disputes Redressal Commission

ESCORTS FINANCE LIMITED

APPELLANT

Vs

NIRANJAN SINGH

RESPONDENT

Date of Decision : 07-10-2005

Acts Referred:

Citation : 2007 1 CPJ 297

Hon'ble Judges : K.S.Gupta J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision is directed against the order dated 24.2.2002 of State Consumer Disputes Redressal Commission, Maharashtra dismissing appeal against the order dated 21.11.2003 of a District Forum whereby petitioner/opposite party was directed to pay amount of Rs. 79,688 to the respondent complainant.

2. IN short, the facts giving rise to this revision are these. Respondent purchased a lorry bearing Registration No. AP 28 T 6461 on 11.6.1999 for Rs. 3,21,000 from the petitioner. This lorry was re-possessed by the petitioner from one Ahmad Khan because of non-payment of hire charges by him. Respondent alleged that petitioner handed over to him the National Permit, Fitness Certificate and INSurance Policy, etc. pertaining to the lorry and when on the strength thereof he made application to RTO, Hyderabad for obtaining "No Objection Certificate" for transfer of lorry from Hyderabad to his area of operation, the RTO, Hyderabad told him to pay Rs. 79,688 on ground of Taxation Certificate and National Permit being bogus. Respondent further alleged that though he wrote letters to the petitioner to pay the said amount but there was no response. Respondent thereafter filed complaint seeking direction to the petitioner to pay the same amount. Though the authorised representative of petitioner appeared before the District Forum once but petitioner failed to file the written version and contest the complaint. Submissions advanced by Mr. B.L. Wali, Advocate for petitioner was two fold : (i) respondent is not a consumer as the lorry was purchased for commercial purpose; and (ii) two documents which were found to be bogus by RTO, Hyderabad did not form part of the agreement executed

between the parties (copy at page-10). During the course of agreement Mr. Wali filed the photo-copy of letter dated 1.3.2003 which was sent by the respondent to the petitioner. This is on the letter head of Ranminder Carriers, Bombay. Order of State Commission notices that petitioner did not deny of its authorised representative having appeared once before the District Forum and he having failed to file written versions and contest the complaint. In my view, in absence of pleading, the petitioner on the strength of said letter cannot be heard to urge that complaint was not maintainable for respondent having purchased the lorry for commercial purpose.

Further, from the letter dated 16.10.1989 (copy at page 16), it may be noticed that petitioner itself had forwarded therewith certain documents which included two documents found to be bogus by the RTO, Hyderabad to the respondent. Sale transaction of lorry in question could be complete only after RC and other documents were handed over to the respondent. Petitioner cannot avoid liability of payment of Rs. 79,688 which the respondent had to pay to RTO, Hyderabad because of two documents supplied by the petitioner being bogus. There is no illegality or jurisdictional error in the orders passed by Fora below warranting interference in revisional jurisdiction under Section 21(b) of the Act. Revision petition is, therefore, dismissed. Revision Petition dismissed.