

(1996) 03 NCDRC CK 0005

In the National Consumer Disputes Redressal Commission

GURMEET KAUR

APPELLANT

Vs

Regional Officer Tt Ltd

RESPONDENT

Date of Decision : 14-03-1996

Acts Referred:

Citation : 1996 1 CPJ 310 : 1996 2 CPC 651 : 1996 3 CPR 157 : 1997 1 CLT 361

Hon'ble Judges : V.BALAKRISHNA ERADI , B.S.YADAV , S.S.CHADHA J.

Judgement

1. THIS First Appeal is directed against the Order dated 28th July, 1993 of the Punjab State Commission at Chandigarh dismissing the complaint. The case set up in the complaint is that the complainant aged 59 years resident of Kothi No. 158, Sector 60, S.A.S. Nagar (Mohali) was working in kitchen on 23rd November, 1992 and was cooking with Prestige Pressure Cooker 5 litres. At about 11.15 a.m. Prestige Pressure Cooker 5 litres made a strange blowing noise, causing severe injuries to the complainants head, face, arms and other parts of the body. Impact of blast was so great and splitting that the complainant who was standing in the vicinity of cooking range became unconscious with Colles fracture of left arm and she was rushed to Command Military Hospital, Chandigarh in an unconscious state due to sudden impact of burst. Alleging manufacturing defects in the goods the complainant claimed a compensation of Rs. 1,74,000/- against the opposite party -TT Ltd., manufacturer of Prestige Pressure Cooker.

2. IN the written version filed by the opposite parties the contention was raised that the Prestige Pressure Cooker was purchased by the husband of the complainant in the year 1979 from Canteen Stores Department, Bangalore and the very fact that it has been in use for such a long time shows that there was no manufacturing defect in the goods supplied by the opposite parties. It was pleaded that the Pressure Cooker must have been repaired a number of times but these material allegations have not been made in the complaint. It was further pleaded that the valve of the pressure cooker in question was intact in its lid and on analysis conducted by the Laboratory, it was found that the rubber safety plug on that lid was spurious which was not manufactured by the opposite

parties. The opposite parties denied allegations of the complainant that they used defective material in the manufacturing of Prestige Pressure Cooker or that the complainant suffered any loss or damage, injuries as alleged or otherwise. The State Commission on the appreciation of the evidence, came to the conclusion that there was no proof that the material used in the Prestige Pressure Cooker was defective or substandard at the material time and dismissed the complaint.

3. WE have heard the Counsel for the Appellant and the Authorised Representative of the respondents and have gone through the records. The main submission of Shri K.M.S. Bedi, the learned Counsel for the Appellant is that the State Commission grievously erred when it held that the complainant had suppressed the material fact regarding the purchase of Prestige Pressure Cooker. The Counsel submits that Annexure C -1 shows that the Prestige Pressure Cooker had been purchased from Canteen Store Department through Unit Canteen in Bangalore a few years back and the opposite parties also got this information from the complainant in the letter dated 28.11.92 filed as Annexure A -2. Nothing turns on this question whether the fact of purchasing Prestige Pressure Cooker from Canteen Store Department, Bangalore about 14 years back was stated by the complainant or it came to be known later on during investigation. The fact remains that the Prestige Pressure Cooker was purchased in the year 1979. Grievance is next made that the State Commission conjectured that damaged cooker must have been repaired a number of times. There is no merit in this submission. As per the version of the opposite parties the complainant had replaced rubber safety plug with spurious safety plug. It was the case of the opposite parties before the State Commission that the opposite parties have gone through service camps and through dealer outlets informed about the introduction of metallic safety plug and the very fact that it was almost 10 years since the introduction of metallic safety plugs proves that the opposite parties have taken due diligence in intimating the consumers about the introduction of metallic safety plug. There was no defect or any such thing in the rubber safety plug which was the erstwhile spare part of the pressure cooker prior to 1983. The introduction of metallic safety plug was only a matter of new innovation which arises in all products during the course of time. It was also the case of the opposite parties that the product in question has not given any problem for over a period of 14 years and hence there can be no negligence in the course of manufacturing. It is on this material that the State Commission came to the finding that the rubber safety plug on the lid of the pressure cooker of the complainant was spuri -ous which was not manufactured by the oppo -site parties. We uphold the finding of the State Commission that the material used in the Pres -tidge Pressure Cooker was not defective or sub -standard at the material time. The appeal fails and is dismissed leaving the parties to bear their own costs. Appeal dismissed.