
(1991) 12 NCDRC CK 0020

In the National Consumer Disputes Redressal Commission

Hindustan Motors Ltd. , PADMA VITHAL AMARAPURKAR

APPELLANT

Vs

PADMA V. AMRAPURKAR , J. WILLIAMS And CO

RESPONDENT

Date of Decision : 12-12-1991

Acts Referred:

Citation : 1992 0 CPC 116 : 1992 1 CPJ 108 : 1992 1 CPR 216 : 1993 1 CLT 473

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Final Decision : Appeal dismissed

Judgement

1. THE appellant has filed this appeal against the order dated 31st January, 1991 passed by the State Commission, Maharashtra State, New Bombay in complaint No. 21 of 1990. Facts leading to the filing of the present appeal briefly stated are: (1) Respondent No.1 herein filed a complaint before the State Commission, Maharashtra State alleging manufacturing defect as well as deficiency in after sales service with regard to an Ambassador Car purchased by the complainant, on 19.12.1988 for a sum of Rs. 1,50,000/-. It was alleged in the complaint that at the time of delivery of the Car pre-delivery inspection was not done, that there was heavy oil consumption as well as starting trouble in the said car. That even after the 1st, 2nd and 3rd free-servicing the starting trouble as well as excessive oil consumption continued. At the time of the second service the flywheel of the Car was changed. In spite of the change of fly-wheel the Car continued to have starting trouble and it kept consuming excessive oil. It was further alleged that when the car was taken to M/ s. J. Williams & Co., the agents of the appellant, M/ s. Hindustan Motors Ltd., at Pune, no service was rendered by the Company even though there was a defect in the vehicle.

(2) On the 26th July, 1989, the complainant made a complaint to the Chairman of the MRTD Commission, New Delhi alleging supply of a defective Car, as well as deficiency in after sales service. On the basis of the directions given by the MRTD Commission, repairs were carried out by M/s J. Williams & Co., on the complainant's Car and the engine of the said Car was replaced. At the time of change of engine the complainant had given a Note of Satisfaction with regard to

the performance of the Car.

(3) In the said complaint it was further alleged that the respondent No. 2, M/s. J. Williams & Co., refused to extend the warranty period for one year after the replacement of the new engine and also did not render free services to the complainant.

(4) On the basis of these allegations the complainant filed the complaint claiming a compensation of Rs. 3,54,000/- against the appellant M/s. Hindustan Motors Ltd.

2. THE State Commission had awarded Rs. 22,000/- as compensation payable to the respondent No. 1 by the appellant, Hindustan Motors Ltd. In Cross appeal No. 96 of 1991 the complainant Ms. Padma Amrapurkar has sought to recover from M/s. J. Williams & Co., the dealers of Hindustan Motors, to the tune of Rs, 2,42,000/- for various reasons listed out by her in her written statement.

On hearing both the parties in both the appeals, we have come to the conclusion that since the complainant Ms. Padma Amarpurkar had initially opted to approach the M.R.T.P. Commission for relief and the said Commission after consideration of the whole matter had granted relief by way of the engine being replaced, which has been done, thereafter it was not opened to her to approach the Consumer Redressal Commission for relief in respect of the same matter. If she was not satisfied with the relief granted by the M.R.T.P. Commission, the proper course to be adopted by her was to go in appeal to the higher authority, which is the Supreme Court.

3. THUS First Appeal No. 68 is hereby allowed and the State Commission's Order is set aside. Final Appeal No. 96 of 1991 is dismissed. There will be no Order as to costs. Appeal dismissed.