

(1994) 11 NCDRC CK 0013

In the National Consumer Disputes Redressal Commission

INDIAN OIL CORPORATION LTD.

APPELLANT

Vs

T.J.JOHN

RESPONDENT

Date of Decision : 29-11-1994

Acts Referred:

Citation : 1994 0 NCDRC 43 : 1995 1 CLT 475 : 1995 1 CPJ 35

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

Advocate : ASHA JAIN MADAN , RAVINDER ZADOO , M.S.ANAM

Judgement

1. AFTER hearing the Counsel appearing in the case and going through the Order passed by the State Commission we are constrained to remand the case to the State Commission is totally perfunctory nature. It does not contain any discussion whatever of the evidence adduced in the case nor even any advertence to the material points which have necessarily to be determined before arriving at a conclusion on the crucial issue as to whether deficiency in service on the part as to whether deficiency in service on the part of the Opposite Parties namely, Indian Cil Corporation and the Distributor, has been made out or not.

2. EALABORATE evidence is said to have adduced by both sides in the case and one should have expected a Court trying a case in its original jurisdiction to bestow its detailed consideration on the evidence and on the basis thereof it should record clear findings as to the main issue arising for determination in the case. This fundamental and essential function has unfortunately not been discharged by the State Commission while passing the impugned order. We accordingly set aside the impugned order on the limited ground mentioned above without expressing any opinion on any aspects of the merits of the case and remand the case to the State Commission, Kerala for fresh disposal on the merits on the basis of the evidence already adduced and also "further evidence, if any, that the parties might be allowed to adduced before it. The State Commission is requested to dispose of the matter fresh expeditiously within a period not exceeding four months from the date of receipt of the copy of this Order. All the

four appeals are disposed of any this order. The parties will bear their respective costs in these appeals.

3. THE parties are directed to appear before the State Commission on the 19th of December, 1994 for taking orders from the State Commission as to the date on which the matters are to be heard after this remand.