

(2002) 12 NCDRC CK 0050

In the National Consumer Disputes Redressal Commission

JAGDISH PRASAD GUPTA

APPELLANT

Vs

REGIONAL MANAGER, DELHI TRANSPORT CORPORATION

RESPONDENT

Date of Decision : 26-12-2002

Acts Referred:

Citation : 2003 3 CPJ 47

Hon'ble Judges : Lokeshwar Prasad , Rumnita Mittal J.

Final Decision : Appeal disposed of

Judgement

1. THE present appeal has been filed assailing the order of District Forum, Janakpuri, New Delhi dated 23.1.2000 passed in Complaint Case No. 960/2000-entitled Shri Jagdish Prasad Gupta v. Regional Manager, Delhi Transport Corporation.

2. THE brief facts are that the appellant had filed a complaint, before the District Forum, under Section 12 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act") stating therein, that the appellant had boarded Bus No. DLIP 5292 from Pankha Road on 11.5.2000 around 2.00 p.m. and occupied a vacant seat expecting the Conductor to approach him for buying a ticket. In the meanwhile the appellant started reading a newspaper when 4-5 persons boarded the bus at Peeragarhi and asked the appellant to show the ticket. THE appellant challenged their authority to check the ticket and, therefore, the said persons took him to the Police Station and there he was made to pay Rs. 100/- in connivance with the police. It was alleged by the complainant in his complaint that the aforesaid persons misbehaved with him and since the said persons had no authority to check his ticket he was not bound to show them the same. Furthermore, he had been unauthorisedly and illegally penalized and as such there was gross deficiency in service on the part of the respondents. THE appellant had, therefore, filed a complaint before the District Forum praying for compensation of Rs. 2,00,000/- from each respondent, together with the refund of Rs. 100/- levied as fine and Rs. 1,000/- as cost of litigation. The learned District Forum, on presentation of the above said complaint of the appellant,

dismissed the same on the ground that no case of deficiency in service was made out and as such the complaint was not maintainable.

Aggrieved by the aforesaid order, the appellant has preferred the present appeal before us. A notice of the present appeal was issued to the respondents who, despite opportunity given, did not file any reply.

3. WE have carefully perused the documents/material placed on record by the appellant, as well as, have heard the arguments addressed on behalf of the parties at length. The case made out by the appellant is that he was travelling without ticket on 11.6.2002 on Bus Route No. 879 from Pankha Road to Rohini when the ticket checkers boarded the bus and on the refusal of the appellant to show the ticket, forcibly took him to the Police Station where he was challaned and had to pay Rs. 100/-. On the basis of the aforesaid facts it cannot be held that there has been any deficiency in service on the part of the respondents, as it is the own case of the appellant that he did not purchase the ticket and instead of approaching the conductor for buying the ticket, he started reading the newspaper. Further more, as per the own narration of facts by the appellant, he had almost reached his destination at Rohini before the ticket checkers of the respondent boarded the bus. Therefore, since the conductor had not approached him for purchasing a ticket, a duty was also cast on him to do so before de-boarding the bus. Merely because the conductor did not approach him, the appellant cannot be absolved for ticketless travel especially since it is not his case that the other co-passengers were also not issued tickets by the conductor. It is also not the case of the appellant that he complained to the ticket checkers that the conductor had not approached him for issuing a ticket, rather his case is that when asked to show the ticket by the officials of the respondent No. 1, he challenged their authority to do so. In the circumstances, the complaint of the complainant was rightly rejected by the District Forum on the ground that no case of deficiency in service was made out against the respondent No. 1. The appellant has also alleged that the police authorities respondent No. 2 had beaten him and threatened to put him behind bars and had thus extorted Rs. 100/- from him. So far as the said allegations are concerned, the same do not constitute a consumer dispute which can be adjudicated upon by the Redressal Agencies under the Act and as such the appellant is at liberty to approach the appropriate Forum/agency for the redressal of his grievances in this regard, as he may be advised. In the circumstances, the impugned order of the learned District Forum is upheld and the present appeal, filed by the appellant, is dismissed, however, the parties are left to bear their own costs. The present appeal stands disposed of in above terms. Appeal disposed of.