

(2014) 05 NCDRC CK 0003

In the National Consumer Disputes Redressal Commission

K. Ravindra Madhava Bhat

APPELLANT

Vs

Anuradha Petro

RESPONDENT

Date of Decision : 21-05-2014

Acts Referred:

Citation : 2014 0 NCDRC 275 : 2014 3 CPJ 180

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Advocate : B.S.SHARMA , V.N.RAGHUPATHY , N.D.B.RAJU , AJAY K.DUTTA ,
Pradyumna Sharma

Judgement

1. THIS revision petition has been filed by the petitioner against the order dated 12.02.2008 passed by the Karnataka State Consumer Disputes Redressal Commission, Bangalore (in short, "the State Commission ") in Appeal No. 1341/2007 - Sri Ravindra Madhava Bhat.K. Vs. M/s. Anuradha Petro & Chemicals Pvt. Ltd. & Ors. and Appeal No. 1384 of 2007 - M/s. Caltex Gas India Pvt. Ltd. & Anr. Vs. Sri Ravindra Madhava Bhat. K. & Ors. by which, while allowing appeal of the complainant/appellant, order of District Forum allowing complaint was modified and compensation was enhanced against which this revision petition has been filed.

2. BRIEF facts of the case are that complainant/petitioner being employee of OP No.5/Respondent No. 5 was provided quarter by OP No. 5 for his residence along with electricity and gas connection. On 17.2.2004, OP No. 1/Respondent No. 1 who is retailer of Gas Cylinder supplied a gas cylinder to the complainant, but as regulator of the cylinder was not fixed properly by the employee of OP No. 1, the cylinder burst on 18.2.2004 resulting in burn injury to the complainant and damage to the articles kept nearby the cylinder. OP No. 2 & 3/Respondent No. 2 & 3 were supplier of gas and OP No.4/Respondent No. 4 was insurer of OP No. 2. Complainant remained in the hospital and spent more than Rs.10,00,000/ -. Complainant claimed amount from OP which was not paid. Alleging deficiency on the part of OPs, complainant filed complaint before District Forum. Op No. 1 and Op Nos. 2 and 3 filed separate written statements and submitted that

complainant never availed services of Ops and he was not a consumer. It was further submitted that complainant illegally shifted gas connection from the office of the company to his residence without knowledge of Ops. It was further submitted that no gas cylinder or any regulator has been supplied by Ops to the complainant and prayed for dismissal of complaint. Op No. 4 submitted that complainant did not inform Op in respect of incident and no claim has been preferred by him with the Op; hence, complaint be dismissed. Op no. 5 resisted complaint and admitted that gas connection was standing in the name of the Op, but Op provided quarters to the complainant and paid security and Op No. 1 had provided LPG connection to the house. It was also submitted that they do not have knowledge of the incident and prayed for dismissal of complaint. Learned District Forum after hearing all the parties allowed complaint and directed Op Nos. 1, 2 & 3 to pay Rs.1,25,000/- to the complainant. It was further observed that Op No. 4 shall indemnify this amount to Op Nos. 2 & 3 being insured by Op No.4. District Forum further allowed Rs.5,000/- as cost of litigation and interest @ 9% p.a. Complainant and Op filed separate appeals before State Commission and learned State Commission vide impugned order dismissed appeal of Ops, but partly allowed appeal of complainant and enhanced compensation from Rs.1,25,000/- to Rs.2,00,000/- against which, this revision petition has been filed.

3. NONE appeared for Respondent Nos. 4 and 5 even after service.

4. HEARD learned Counsel for the petitioner and Respondent Nos. 1, 2, 3 and perused record. Learned Counsel for the petitioner submitted that inspite of the fact that policy was issued for Rs.1,25,00,000/- and inspite of proof of damages learned State Commission committed error in enhancing compensation to the tune of Rs.2,00,000/-; hence, revision petition be allowed and compensation be enhanced. On the other hand, learned Counsel for the respondents submitted that order passed by learned State Commission is in accordance with law; hence, revision petition be dismissed.

5. PERUSAL of record clearly reveals that District Forum has mentioned in its order that complainant produced bills of the hospital expenditure of Rs.5,760/- and bill of medicines for Rs.976/- meaning thereby, complainant produced bills for about Rs.7,000/-, but claimed Rs.4,13,582.75 from OP No. 1 and in such circumstances, District Forum allowed Rs.1,25,000/- as per insurance coverage. Learned State Commission observed that insurance coverage was for Rs.1,25,00,000/- for one incident and in circumstances, enhanced compensation to Rs.2,00,000/- from Rs.1,25,000/-.

6. AS complainant has not adduced any evidence for claim of Rs.4,13,582.75, Learned State Commission rightly limited claim to the tune of Rs.2,00,000/- and we do not find any justification for enhancement of compensation without any document to substantiate the enhancement. We do not find any illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed.

7. CONSEQUENTLY , revision petition filed by the petitioner is dismissed with no order as to costs.