(1991) 10 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

Maruti Udyog Ltd. , MODERN AUTOMOBILES — APPELLANT

Vs

SHRI J.D. SHARMA — RESPONDENT

Date of Decision : 03-10-1991

Acts Referred:

Citation : 1992 1 CPJ 86

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

Final Decision : Revision petitions dismissed

Judgement

1. -THESE two revision petitions are filed by M/s. Maruti Udyog Ltd. and M/s. Modern Automobiles, Ambala, against the order of the State Commission, Haryana in First Appeal 8 of 1990 filed by Shri J.D. Sharma, the respondent herein against both the above parties.

2. THE facts of the case are that Shri J.D. Sharma, purchased a Maruti Omni Van bearing Chassis No. 793998 and Engine No. 369698 from M/s. Modern Automobiles on 31st January, 1989. Being an old member of the Automobile Association of Upper India, he approached A.A.U.I. on 6th April, 1989 for depositing the road tax for the year 1989-90. THE vehicle being new, the Secretary of the said Association made the necessary thorough checking of the sale documents as well as the vehicle and discovered that the engine number embossed on the identification plate affixed inside the body of the van was 369668, whilst the engine number given in the sale invoice, as already noticed, was 369698. Due to this glaring disparity between the engine number in the sale invoice on the one hand and on the Identification Plate on the vehicle on the other, the Secretary of the Association told the respondent that this could lead to very serious complication and the vehicle may well be taken as a stolen one, and consequently refused to accept the Road Tax until this serious mistake was rectified. The respondent then brought this glaring discrepancy personally to the notice of M/s. Modern Automobiles, from whom the vehicle was purchased and through them to the manufacturer, as well as through a communication dated 28th April, 1989, seeking an early necessary rectification of the matter. There

was, however, no response from M/s. Maruti Udyog, even though a messenger was specially sent to them at Gurgaon for eliciting some response. Meanwhile the respondent because of non-acceptance of Raod Tax had to make numerous visits to the S.D.M.''s office at Kalka, which is the Registering Authority, and it came about that the S.D.M.''s office also refused to accept the tax until the necessary correction had been made. Finally on the 15th of May, 1990, the respondent took the vehicle to Chandigarh, to M/s. Modern Automobiles where the number on the Engine Block was checked by unscrewing the driver''s seat and removing a couple of hoses. It came to light that the number on the Engine Block tallied with the number in the sale documents, but the number on the Identification Plate was wrong or discrepant. Accordingly a certified letter was given by this dealer to enable the respondent to inform the Registration Authorities at Kalka, after which the road-tax with penalty was accepted by that Authority as due date had expired by that time. It is evident from the above facts that the respondent had to undergo a lot of physical and mental stress for no fault of his, but because of a mistake made by the manufacturers in embossing a wrong number on the Identification Plate, and because the dealer who sold the vehicle to him had not checked the discrepancy either.

The State Commission has held both the manufacturer and the dealer jointly responsible for this lapse, which gave the purchaser undu harassment in getting the road-tax paid for the year 1989-90.

3. THE counsel for M/s. Maruti Udyog Ltd. tried to impress upon us that such a lapse was not a ''defect'' in the product as defined in the Consumer Protection Act of 1986. We do not agree with his argument. In our opinion, it was an imperfection which did not allow easy use of the product bought by the purchaser. The representative of M/s. Modern Automobiles argued that since the numbers on the Engine Block and the sale invoice tallied, there was no lapse at all, and that if the purchaser had gone to the Registering Authority in the first place, instead of to A.A.U.I., they would have checked correctly and there would not have been any delay in the payment of road-tax. He even tried to put the blame on the purchaser that being an I.A.S. officer he ought to have checked the vehicle properly. He, however, was unable to give a satisfactory reply to the question put to him whether it was not the responsibility of the dealer to check all the details about the vehicle before selling and delivering it. Though he admitted that the Identification Plate was put on the vehicle for easy verification but he pressed the point that the number on the Engine Block and the number on the sale invoice were the same. We do not agree with this contention. As already remarked, the lapse in question amounts to imperfection in the goods sold.

4. AFTER hearing both the Revision petitioners we are of the view that the order passed by the State Commission is correct and accordingly we uphold it and dismiss the revision petitions. No order as to costs. Revision petitions dismissed.