

(2017) 09 NCDRC CK 0069

In the National Consumer Disputes Redressal Commission

Case No : 2757 of 2017

M/S. COMPETENT AUTOMOBILES CO. LTD.

APPELLANT

Vs

RAJEEV KUMAR SAXENA

RESPONDENT

Date of Decision : 18-09-2017

Acts Referred:

Citation : 2017 4 CPR 274

Hon'ble Judges : D.K. Jain, M. Shreesha

Advocate : Sapna Sinha, Praveen Maheshwari

Judgement

1. Challenge in this Revision Petition, by a Dealer in the vehicles manufactured by Maruti Suzuki India Ltd., is to the order dated 16.05.2017, passed by the State Consumer Disputes Redressal Commission, Delhi at New Delhi (for short "the State Commission") in First Appeal No. 275 of 2013. By the impugned order, while affirming the finding returned by the District Consumer Disputes Redressal Forum (East), Delhi (for short "the District Forum") in its order dated 31.01.2013, made in Complaint Case No. 878 of 2011, to the effect that there was deficiency in service on the part of the Petitioner in wrongly mentioning the name of the father of the Complainant, Respondent herein, as also his address, in the papers submitted for registration of the subject vehicle, namely, Eeco Maruti Car, purchased by the Complainant for being used as a Taxi for the purpose of earning his livelihood, the State Commission has reduced the compensation awarded by the District Forum from 75,000/- to 50,000/-. In the first instance, as noted above, the District Forum had accepted the Complaint and awarded the afore-noted Compensation.

2. Learned Counsel appearing for the Petitioner has strenuously urged that since the mistake was rectified by the Petitioner within ten days and the Registration Certificate with all the correct particulars had been issued to the Complainant immediately thereafter, the amount of compensation awarded by the Fora below for a small human error is disproportionate to the said omission. She has also argued that the vehicle in question having been sold by the Complainant during

the pendency of the Complaint, he ceased to be a "consumer" and, therefore, the Complaint ought to have been dismissed on that short ground alone.

3. Having perused the documents on record, we are unable to persuade ourselves to agree with the learned Counsel.

4. In so far as the finding regarding deficiency in service on the part of the Petitioner is concerned, on evaluation of the material on record, both the Forums below have recorded a concurrent finding on this aspect. The said finding has not been challenged by the Petitioner as being perverse on any ground whatsoever. Hence, we do not find any jurisdictional error on the part of the State Commission in affirming the said finding.

5. As regards the quantum of the compensation, admittedly, the vehicle had been purchased by the Complainant for running it as a Taxi for earning his livelihood and each day's delay in the rectification of the Registration Certificate did have a direct bearing on free plying of the vehicle, even if it is assumed that he was running this Taxi all this while without a valid Registration Certificate, as is sought to be pleaded before us. The argument that the vehicle having been sold during the pendency of the Complaint, now being pressed into service before us, cannot be permitted to be raised for the first time in these proceedings, as admittedly no such plea was raised before the Fora below. In view of the above, the Revision Petition fails and is dismissed accordingly.