

(2016) 09 NCDRC CK 0129

In the National Consumer Disputes Redressal Commission

Case No : 2304 of 2016

SANTOSH MALHOTRA W/O. SH. VED PRAKASH MALHOTRA

APPELLANT

Vs

M/S. SAREEN ELECTRONICS & ANR.

RESPONDENT

Date of Decision : 28-09-2016

Acts Referred:

Citation : (2016) 09 NCDRC CK 0129

Hon'ble Judges : V.K. Jain

Advocate : Jatin Rajput, Vikas Nautiyal

Judgement

IA/7396/2016 (For condonation of delay)

1. This is an application filed by the petitioner/complainant seeking condonation of delay of 70 days in filing the revision petition. I have heard the learned counsel for the parties. For the reasons stated in the application, I am satisfied that the delay in filing the revision petition was neither deliberate nor contumacious. The said delay is therefore, condoned. The application stands disposed of. RP/2304/2016

Issue notice. Mr. Vikas Nautiyal, Advocate accepts notice for respondent no.2.

The complainant/petitioner purchased a T.V. make Videocon from respondent no. 1 Sareen Electronics for a consideration of Rs.4,600/- on 18.08.2013. The said T.V. carried a warranty of one year. Alleging defect in the T.V. sold to her, the complainant/petitioner lodged a complaint with the Customer Care of the manufacturer, respondent no. 2 Videocon Industries Limited. The complaint was duly attended but the case of the complainant/petitioner is that even thereafter, the T.V. did not function properly. The technician of the manufacturer had repeated visits to the house of the petitioner/complainant and even the I.C. of the T.V. was replaced by him, but the T.V. allegedly did not function properly. The petitioner/complainant therefore, approached the concerned District Forum by way of a consumer complaint, seeking refund of the price of the T.V. alongwith interest and compensation.

2. The respondent no. 1 remained *exparte* before the District Forum but the complaint was contested by respondent no. 2 Videocon Industries Limited. The T.V. which had been sold to the complainant was replaced by the respondents during the pendency of the consumer complaint before the District Forum. Noticing the replacement of the T.V., the District Forum disposed of the complaint awarding compensation quantified at Rs.1,500/- and cost of litigation quantified at Rs.1,000/- to the petitioner/complainant.

3. Since the petitioner/complainant was not satisfied with the quantum of the compensation and cost of litigation awarded to her, she approached the concerned State Commission by way of an appeal. The said appeal having been dismissed vide impugned order dated 28.01.2016, the petitioner is before this Commission by way of this revision petition.

4. The learned counsel for the petitioner/complainant states that in fact even the second T.V. supplied to the complainant is defective. If that is so, nothing prevents the complainant from availing such remedy as may be available to her in law for ventilating her grievance with respect to the second T.V. but, since the complaint before the Consumer Forum was in respect of the first T.V. which admittedly, was replaced during the pendency of the consumer complaint, the alleged defect in the second T.V. would have no bearing on the outcome of this revision petition.

5. As far as the amount of compensation and cost of litigation awarded by the District Forum is concerned, admittedly, the said amount was remitted to the complainant/petitioner by way of a cheque but the said cheque was returned by the petitioner/complainant. In my opinion, considering that the respondents themselves offered to replace the T.V. purchased by the complainant/petitioner, during the pendency of the consumer complaint, instead of unnecessarily contesting the said complaint, award of nominal compensation of Rs.1,500/- coupled with cost of litigation quantified at Rs.1,000/- was adequate. The petitioner/complainant, in the facts and circumstances of the case, was not entitled to a higher compensation. The revision petition is therefore, dismissed with a direction to the respondent to pay an amount of Rs.1,500/- as compensation and Rs.1,000/- as cost of litigation. The aforesaid amount shall be paid to the complainant within two weeks.