
(2006) 02 NCDRC CK 0060

In the National Consumer Disputes Redressal Commission

Sheela Kumari

APPELLANT

Vs

TATA ENGINEERING AND LOCOMOTIVE COMPANY

RESPONDENT

Date of Decision : 16-02-2006

Acts Referred:

Citation : 2007 2 CPJ 92

Hon'ble Judges : K.S.Gupta , P.D.Shenoy J.

Advocate : Rakesh Kumar Vats

Judgement

1. -PETITIONER was the complainant. She purchased a vehicle under a Hire Purchase agreement dated 8. 5. 2000 from the respondents/opposite parties 1 to 3. She alleged that despite her having paid Rs. 3,38,736 towards instalments of vehicle the same was repossessed by the respondents on 24. 12. 2002. Claiming deficiency in service, she filed complaint seeking certain reliefs which on contest was allowed by the District Forum with direction to the respondents to refund the said amount of Rs. 3,38,736 with interest to the petitioner. Dissatisfied with District Forum's order the respondents filed appeal which was allowed and complaint dismissed by the State Commission by order dated 11. 11. 2005. As may be seen from the order of State Commission it was of the opinion that repossession of vehicle by the respondents for default of payment in breach of terms of hire purchase agreement cannot be construed as deficiency in service within the meaning of Consumer Protection Act, 1986 (for short the Act). It is this order which is being challenged in present revision by the petitioner.

2. RELYING on the decision in National Small Industries Corporation v. Madhosingh and Ors. , III (1999) CPJ 61 (NC), the submission advanced by Mr. Rakesh Kumar Vats for petitioner is that the view taken by State Commission is erroneous. This Commission had the occasion to consider identical issue in the decision in St. Mary's Hire Purchase (Manager) v. N. A. Jose, III (1995) CPJ 58 (NC). It held that recovery of a vehicle under a hire purchase agreement for default in payment of instalments cannot be construed as deficiency in service. This judgment has been followed in subsequent decisions by this Commission.

This decision squarely covers the controversy on hand. Decision in Madho Singh's case (supra) is distinguishable on facts. There is, thus, no illegality or jurisdictional error in the order passed by State Commission warranting interference in revisional jurisdiction under Section 21 (b) of Consumer Protection Act, 1986. Revision petition is, therefore, dismissed. Revision Petition dismissed.