

(2007) 02 NCDRC CK 0038

In the National Consumer Disputes Redressal Commission

SHIVAM TRAVELS

APPELLANT

Vs

RAJ KUMAR

RESPONDENT

Date of Decision : 15-02-2007

Acts Referred:

Citation : 2007 2 CPJ 304

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

Final Decision : Revision Petition dismissed

Judgement

1. -IN this revision, challenge is to the order dated 7.8.2006 of Consumer Disputes Redressal Commission Haryana, Panchkula dismissing appeal against the order dated 1.5.2006 of a District Forum whereby petitioners were directed to refund amount of Rs. 5,300 received as advance, pay Rs. 6,500 paid in excess on account of getting the other vehicles for carrying barat and pay Rs. 10,000 by way of compensation-cum-cost.

2. RESPONDENT/complainant alleged that marriage of his brother, namely, Ashok Kumar was to be solemnised on 8.12.4. For carrying marriage party he booked a bus for Rs. 12,000 and Qualis and another vehicle for Rs. 5300 with the petitioners/opposite parties. Total amount of Rs. 5,800 was paid towards advance. It was further alleged that on 6.12.2004 on being reminded of vehicles being sent on time, the petitioners expressed their inability on ground that they were not having any arrangement. Because of marriage season, with great difficulty, the respondent succeeded in getting a Haryana Roadways bus booked for Rs. 14,800 . Out of this amount, Rs. 10,600 were towards bus charges while remaining towards tax for entering the State of Punjab. RESPONDENT also booked two cars for Rs. 9,000. Complaint seeking refund, etc. filed by the respondent was contested by the petitioners alleging that they never refused to send the vehicles and in fact the booked vehicles had reached the respondent's place on 8.12.2004 but he refused to take services thereof. RESPONDENT had, thus, caused financial loss to the petitioners as their vehicle remained idle on 8.12.4. Main thrust of argument advanced by Mr. Ujjal Singh for petitioners is

that the affidavits filed by way of evidence of Satish Kumar and Mukesh Kumar, owners of the cars sent to the respondent by the petitioners on 8.12.2004 were not considered by Fora below. Receipts filed by the respondent regarding payment of fare to Gurvinder Singh is dated 10.12.2004 and to Baljit Singh is dated 9.12.2004 while the marriage had taken place on 8.12.2004. It was pointed out that the actual amount towards fare paid to Haryana Roadways was less than the amount agreed to be paid for the bus by the respondent to the petitioners. Aforesaid order dated 7.8.2006 would show that it was also urged on behalf of petitioners that two affidavits of Mukesh Kumar and Satish Kumar were not taken into account by the District Forum. The State Commission after considering these two affidavits and affidavit filed by the respondent and joint affidavit filed by Vijay Chauhan and Vimal Chauhan as also the fact that no cogent reason was forthcoming why respondent would levy false allegation against the petitioners for not providing the vehicles on 8.12.2004, had confirmed the order of District Forum. In our view, said two receipts by Gurvinder Singh and Baljit Singh could have been issued only after return of marriage party on 9.12.2004. Further, it is not the actual amount of fare but the total amount of Rs. 14,800 paid to Haryana Roadways which has to be considered for passing award for refund of excess amount paid for getting other vehicles. 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 C.P. Act. Revision petition is, therefore, dismissed. Revision Petition dismissed.