

---

**(2013) 09 NCDRC CK 0092**

**In the National Consumer Disputes Redressal Commission**

SHRIRAM TRANSPORT FINANCE CO LTD

APPELLANT

Vs

Awadesh Ram @ Awadesh Kumar Ravi

RESPONDENT

---

**Date of Decision :** 12-09-2013

**Acts Referred:**

**Citation :** 2013 0 NCDRC 864 : 2013 4 CPR 206

**Hon'ble Judges :** K.S.CHAUDHARI , B.C.Gupta J.

**Advocate :** LENIN S.HIJAM , R.K.DIKSHIT

---

**Judgement**

1. THIS revision petition has been filed by the petitioners/OP against the order dated 27.4.2012 passed by the Chhattisgarh State Consumer Disputes Redressal Commission, Pandri, Raipur (in short, "the State Commission") in Appeal No. 12/2002 - Shriram Transport Finance Co. Ltd. Vs. Awadesh Ram @ Awadesh Kumar Ravi by which, while dismissing appeal, order of District Forum allowing complaint was upheld.

2. BRIEF facts of the case are that complainant/respondent obtained loan from OP/Petitioner for purchase of truck no. CG -12 -C -0411. Truck was seized by OP illegally and sold. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP resisted complaint and submitted that complainant tried to change engine number, chassis number, registration number and when he tried to sell on 9.4.2008, the vehicle was seized and intimation was given to the police station and also resisted complaint on other grounds and prayed for dismissal of complaint. Learned District Forum after hearing both the parties allowed complaint and directed OP to pay Rs.2,38,050/- as compensation with 6% p.a. interest to the complainant and pay Rs.5,000/- as compensation and Rs.1,000/- as costs. Appeal filed by the petitioner was dismissed by learned State Commission vide impugned order against which, this revision petition has been filed. Heard learned Counsel for the parties at admission stage and perused record.

3. LEARNED Counsel for the petitioner submitted that the learned State Commission has not given any cogent reason while dismissing the appeal in

limine, hence the petition be allowed and impugned order be set aside. Learned Counsel for respondent prayed for dismissal of revision petition.

4. ORDER passed by the learned State Commission runs as under: - "Shri R.K. Manikpuri, learned counsel for the appellant. No new material has been placed on record to show that the seized vehicle was the same, which was financed by the appellant. From impugned order, it appears that the vehicle, which was seized by the appellant, was not having either registration No. or Chassis No. of the vehicle, which was financed by the appellant. In these circumstances, if the District Forum has found the appellant guilty of deficiency in service and has directed it to pay some amount as compensation on account of illegal seizure and sale of the vehicle of the complainant/respondent, then no fault can be found in such order. The appeal has got no merits and is dismissed. No order as to the cost of this appeal".

The Appellate court is supposed to decide the appeal on facts as well as on law and is required to address to all issues and decide the case by giving reasons. Hon"ble Apex Court in (2001) 10 SCC 659, HVPNL Vs. Mahavir, has held as under : - "We may point out that while dealing with a first appeal, this is not the way to dispose of the matter. The appellate forum is bound to refer to the pleadings of the case, the submissions of the counsel, necessary points for consideration, discuss the evidence and dispose of the matter by giving valid reasons. It is very easy to dispose of any appeal in this fashion and the higher courts would not know whether learned State Commission had applied its mind to the case. We hope that such orders will not be passed by the State Consumer Disputes Redressal Commission, Haryana at Chandigarh in future. A copy of this order may be communicated to the Commission".

5. SIMILAR observations have been made by Hon"ble Apex Court in (2005) 10 SCC 243, H.K.N. Swami Vs. Irshad Basith (Dead) by LR's.

6. THUS , it becomes clear that while deciding appeal, State Commission was required to decide on the issues raised in memo of appeal. Learned State Commission has simply dismissed the appeal on the ground that the vehicle seized was different from the vehicle financed, which is not in accordance with law. In view of the above discussion, the impugned order dated 27.4.2012 passed by the learned State Commission in Appeal No. 12/02 is set aside and matter is remanded back to the learned State Commission to decide it in accordance with law, in the light of the observations made by the Hon"ble Apex Court in the aforesaid judgments with no order as to costs.

7. PARTIES are directed to appear before the learned State Commission on

8. 11.2013. A copy of this order be sent to the State Commission, Chhattisgarh.