

(2006) 04 NCDRC CK 0015

In the National Consumer Disputes Redressal Commission

Union of India

APPELLANT

Vs

MOHAMMAD SHAHID

RESPONDENT

Date of Decision : 26-04-2006

Acts Referred:

Citation : 2008 4 CPJ 575

Hon'ble Judges : Palok Basu , R.N.Prasad J.

Judgement

1. THIS is an appeal against the judgment and order dated 27. 5. 1993 passed by District Consumer Forum, Etawah in Complaint Case No. 415/1992.

2. WE have heard Mr. V. S. Tripathi assisted by Mr. S. Tiwari, learned Counsel for appellants and perused the record. In the instant case notices were sent to respondent and in spite of service of notice none has appeared for respondent.

In the instant case the complainant had filed the complaint against the Railway Administration on account of missing of the consignment booked for Cattack. It is further alleged that while booking the consignment the complainant had paid a railway fare. Since the said consignment could not reach to its destination the above complaint was filed.

3. THE District Forum by its order awarded a sum of Rs. 14,843 as compensation along with 12% interest from the date of order till the date of payment. Aggrieved, the instant appeal has been filed by the appellants.

4. IT is argued on behalf of appellants that in view of Section 15 of the Railway Claims Tribunal Act, the Railway Administration works as carrier of goods and for any deficiency the matter should be adjudicated by this Tribunal and not by District Consumer Forum. As such the impugned order is not liable to be maintained. In the instant case admittedly goods in question were booked to hand over at Cuttack which did not reach there. It was deficiency of transportation and proper Forum is Railway Claims Tribunal. ORDER the appeal is allowed. The judgment and order dated 27. 5. 1993 passed by District Consumer Forum, Etawah are set aside. Parties will bear their own cost. Appeal allowed.