

(2006) 01 NCDRC CK 0055

In the National Consumer Disputes Redressal Commission

VINOD SANGHI

APPELLANT

Vs

UNION OF INDIA RAILWAY

RESPONDENT

Date of Decision : 23-01-2006

Acts Referred:

Citation : 2006 2 CLT 495

Hon'ble Judges : S.N.Kapoor , B.K.Taimni J.

Final Decision : Revision petition disposed of

Judgement

1. HEARD the petitioner in person and learned Counsel for U.O.I.-Railways.
2. IN this matter, the petitioner and his wife were travelling by train in 3-Tier Sleeper compartment while going on excursion to Darjeeling. The complainant was carrying two suitcases and both were tied with the chain to the rings provided below the seat for the said purpose. The complainant took all the safety measures for the purpose of ensuing safety of luggage. At about 2.15 a.m., some unauthorized persons entered into compartment and committed theft of luggage of the complainant and other passengers. At about 5.30 a.m. Mrs. Sharda Sanghi complainant No. 2 got up and found the luggage stolen away by cutting the chain attached to the ring. The complainant filed a complaint with the Railway Police mentioning that he kept Rs. 30,000 cash and luggage worth of clothes Rs. 40,000 and a report was recorded by the IN-charge GRP, Khurda Road. The IN-charge having noted the address to send FIR but which has not been received till date. The complainants were forced to cancel onward journey. The complainants prayed for Rs. 1,50,000 towards compensation comprising of Rs. 30,000 for cash + Rs. 40,000 for luggage + Rs. 80,000 towards sufferings, mental agony etc. The respondent contested the matter on the ground that railway time table circulated clearly stipulated that if the customers lost the luggage, the Respondents-Railways would not be liable for it. It is further submitted that in terms Section 100 of Railways Act, 1989, "Railway Administration shall not be responsible for the loss destruction, damage, deterioration or non-delivery of any luggage".

The District Forum after considering the matter awarded a compensation of Rs. 20,000 with cost of Rs. 1,000. The State Commission on appeal, confirmed the order of the District Forum.

3. FEELING aggrieved, the complainants/petitioners have filed this Revision Petition. It is submitted that the claim is based on the affidavit of the complainant alone. This case is squarely covered by the judgment of this Commission in Divisional Railway Manager and Another v. Abhishankar Adhikari, IV (2005) CPJ 79 (NC)=2005 CTJ 1225 (CP) (NCDRC).

4. SEEING the circumstances and the fact that the two persons were going on excursion tour to hill station they must be carrying clothes, woollen garments and cash. Both the complainants/petitioners are being said to be income tax payee. Naturally, it is not possible for every complainant to keep the receipts of each and every item to produce the same. We feel that the compensation awarded by the District Forum was too low in the circumstance and accordingly, we enhanced it to Rs. 40,000 + Rs. 1,000 as cost. It is stated that a sum of Rs. 21,000 has already been received by the petitioner. Hence, the respondent shall pay Rs. 20,000 to the petitioner within a period of four weeks failing which they shall be liable to pay interest @ 9% p.a. The revision petition stands disposed of in above terms. Revision petition disposed of.