
(1999) 08 NCDRC CK 0056

In the National Consumer Disputes Redressal Commission

WEST BENGAL AGRO INDUSTRIES CORPORATION

APPELLANT

Vs

Bijoy Kumar Roy

RESPONDENT

Date of Decision : 05-08-1999

Acts Referred:

Citation : 1999 0 CTJ 806 : 1999 2 CPC 518 : 1999 3 CPJ 7 : 1999 3 CPR 9 :
2000 1 CLT 200

Hon'ble Judges : S.C.Sen , R.Thamarajakshi , S.P.Bagla , C.L.Chaudhry ,
J.K.Mehra J.

Final Decision : Revision Petitions dismissed

Judgement

1. REVISION Petition Nos. 850-851 of 1996 The complainant had purchased a Kubato Power Tiller from the Kerala Agro Machinery Corporation Limited, Maldah Branch through its dealer, West Bengal Agro Industries Corporation. The case of the complainant is that within six months from the date of purchase of the tiller all sorts of defect were noticed. In fact, 12 items of important parts of the tiller were found defective and non-workable. The manufacturer was informed of the same defective complaints which were detected during the period of warranty. The dealer, the West Bengal Agro Industries Corporation Limited, was also informed and a request was made to replace the defective parts. This complaint was made on 16.11.1991. It was followed by another reminder, but no action was taken by the manufacturer. Ultimately, the complainant lodged a complaint with the District Forum at Maldah. The claim was contested by the manufacturer and the dealer of the tiller. Ultimately, an order was passed by the District Forum directing replacement of the old power tiller by a new one. A compensation of Rs. 2,000/- was also awarded. The District Forum rightly entertained the complaint because immediately after noticing defects a complaint was lodged with the dealer and the manufacturer. The tiller was inspected. Several discussions and reminders took place. The manufacturer specifically did not deny its liability to repair and/or replace the tiller at any point of time. Ultimately, the Complainant was driven to lodge this complaint. On these facts the District Forum declined to dismiss the complaint filed on 16.6.1994 on account of delay. The State

Commission also did not uphold the plea of limitation. There cannot be any question of interfering with the order of the State Commission on the point of limitation at this stage. On a review of the facts the State Commission came to the conclusion that there was no reason to interfere with the order passed by the District Forum rejecting the plea as to limitation. Real cause of the delay was the assurances given by the dealer to get the defects rectified.

2. THE machine was purchased on 21.4.1989. It started giving trouble within the warranty period of one year and the complaint was promptly lodged with the dealer. THE dealer in its turn drew the attention of the manufacturer to the defects. Several reminders were given to the manufacturer. THE last reminder was given on 6.4.1994. It may be mentioned here that when the complainant pointed out the defects, an inspector was deputed by the dealer to inspect the tiller. He was also satisfied that several parts were defective. THERE is also a report of the mechanic of the manufacturer on record corroborating the case of the complainant. On these facts, we see no reason to interfere with the order passed by the State Commission on merits. These Revision Petitions are dismissed. There will be no order as to costs. Revision Petition Nos. 947-948 of 1996

For the reasons given in the Revision Petition Nos. 850-851 of 1996 the Revision Petition Nos. 947 and 948 of 1996 are dismissed. Revision Petitions dismissed.