

(1997) 08 NCDRC CK 0015

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SHOBA GAS AGENCIES

APPELLANT

Vs

V.RAVI

RESPONDENT

Date of Decision: Aug. 22, 1997

Citation: 1998 1 CPJ 351

Hon'ble Judges: E.J.Bellie , Pulavar V.S.Kandasamy , Angel Arulraj J.

Final Decision: Appeal allowed

Judgement

1. THE 2nd opposite party against whom an award has been passed is the appellant. According to the complainant she had registered for a gas cylinder with the 2nd opposite party. Later she changed her residence from Nungambakkam to Villivakkam and on the basis of a T.T.V. alleged to have been issued by the 2nd opposite party Shoba Gas Agency she got a gas cylinder from the 1st opposite party Ajitha Gas Agency. THEy (1st opposite party) supplied cylinder two times but after that they stopped supply and also they took away the empty gas cylinder. THE 3rd opposite party is the Chief Area Manager, Indian Oil Corporation Ltd. alleging deficiency in service on the part of the opposite parties, the complaint was filed.

2. THE opposite parties denied that they have committed any deficiency in service.

The District Forum found that there is no deficiency in service on the part of the 1st opposite party and third opposite party but there is deficiency in service on the part of the 2nd opposite party. Therefore it passed an award as stated above against the 2nd opposite party.

Now in the appeal after hearing both sides and considering the order of the District Forum we find that the District Forum is not correct in saying that the 2nd opposite party has not answered properly the allegations in the complaint and it creates doubts. But we find that the 2nd opposite party have clearly in their written version stated that they have not registered for gas cylinder and they have not supplied any gas cylinder as alleged in the complaint, and they have also denied categorically that they issued T.T.V. Only on the basis of the said ground stated by the District Forum i.e., there is no proper denial of the allegations of the complainant in their written version the District Forum has held that the 2nd opposite party are guilty of deficiency in service. The District Forum itself has held that Ex. Bl T.T.V. which is alleged to have been issued by the 2nd opposite party is a bogus one, and the 2nd opposite party have clearly in their version stated that they have not issued that T.T.V. at all. This being the case holding the 2nd opposite party guilty of deficiency in service is not proper. Evidence on record is not sufficient to hold that the 2nd opposite party is guilty of deficiency in service. We think the proper course would be to remand the matter to the District Forum for recording oral evidence in the matter and then decide the case.

3. ACCORDINGLY we allow the appeal; set aside the order of the District Forum and remand the matter. The District Forum shall dispose of the matter within 3 months from the date of receipt of the order. There will be no order as to costs. Appeal allowed. _____