

(1993) 04 NCDRC CK 0071

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

DY. GENERAL MANAGER, A.N.L.

PERCEL SERVICE

APPELLANT

Vs

D. AKKI RAJU

RESPONDENT

Date of Decision: April 8, 1993

Citation: 1993 2 CPJ 1047

Hon'ble Judges: A.Venkatarami Reddy , Pothuri Venkateswara Rao , J.Ananda Lakshmi J.

Final Decision: Appeal dismissed

Judgement

1. THE appellant herein is the opposite party in the District Forum, Adilabad. THE case of the complainant is that he booked an empty cylinder with the opposite party on 1.11.1991 under invoice voucher No. 483906, from Mancherial to Kothagudem Branch. Since the empty cylinder was not delivered at Kothagudem, he filed the above complaint either to return the empty cylinder or money.

2. AFTER service of notice on the opposite party no counter was filed but one Anwarullah Khan represented the opposite party before the District Forum. The District Forum held that in view of the documents filed by the complainant it can safely be held that empty gas cylinder was booked with the opposite party and that he had not delivered the same at Kothagudem. It further held that as the complainant stated that the cost of the empty cylinder, even according to the opposite party, is Rs. 1800/- and as the complainant also asked for compensation for the inconvenience and hardship, and mental agony and also for incurring considerable expenses for going two times to Hyderabad, Four times to Kottagudem, one time to Asifabad and one time to Luxettipet, the District Forum

awarded Rs. 3000/- as compensation. It also awarded Rs. 1800/- towards the cost of cylinder and Rs. 250/- towards costs.

In this appeal preferred by the opposite party, it is submitted firstly that cylinder was delivered to the complainant sometime in 24.9.92. But, we are not prepared to accept this submission and voucher No. 29204 which does not bear any date. On the other hand, the complainant who was present in person brought to our notice a letter dated 21.10.92 which was addressed by the opposite party to the complainant wherein it was clearly mentioned that with regard to missing of L.P.G. Cylinder they are agreeable to pay the cost of the cylinder, and an amount of Rs. 300/- towards incidental expenses incurred by the complainant. In view of this letter we cannot accept the contention that the empty cylinder was delivered to the complainant. We are satisfied that the cost of the cylinder mentioned is reasonable and that the compensation awarded for expenses and inconvenience by the District Forum is reasonable.

In the result the appeal is dismissed. There shall be no order as to costs. The Respondents are directed to deposit the balance of amount within a period of two months from today in the District Forum, Adilabad to the credit of C.D. No. 406/92 and the same be paid to the complainant. Appeal dismissed.