

STATE CONSUMER DISPUTES REDRESSAL COMMISSION

CHANDIGARH

FIRST APPEAL NO. SC/4/FA/154/2025

(Against the Order dated 10th February 2025 in Complaint DC/44/CC/214/2024 of the District Consumer Disputes Redressal Commission Chandigarh district commission)

M/S GREEN FORCE ENGINEERS PVT. LTD.

PRESENT ADDRESS - PLOT NO.156, INDUSTRIAL AREA, PHASE-1, CHANDIGARH, 160002, THROUGH ITS MANGING DIRECTOR, LALIT BEHL CHANDIGARH,CHANDIGARH.

.....Appellant(s)

Versus

M/S BHAGAT CARS PVT. LTD. BHAGAT FORD

PRESENT ADDRESS - 53, INDUSTRIAL AREA, PHASE II, CHANDIGARH, 160002 THROUGH ITS MANAGING DIRECTOR.CHANDIGARH,CHANDIGARH.

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI , PRESIDENT

HON'BLE MR. RAJESH KUMAR ARYA , MEMBER

FOR THE APPELLANT:

M/S GREEN FORCE ENGINEERS PVT. LTD., HARISH GOYAL (Advocate)

DATED: 07/11/2025

ORDER

**STATE CONSUMER DISPUTES REDRESSAL COMMISSION, U.T.
CHANDIGARH**

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Appeal No : A/154/2025

Date of Institution : 11/04/2025

Date of Decision : 07/11/2025

M/s Green Force Engineers Pvt. Ltd. , Plot No.156, Industrial Area, Phase-I, Chandigarh – 160002, through its Managing Director – Lalit Behl.

..... Appellant

VERSUS

M/s Bhagat Cars Pvt. Ltd. (Bhagat Ford) , 53, Indl. Area, Phase-II, Chandigarh
– 160022, through its Managing Director.

..... Respondent

BEFORE: JUSTICE RAJ SHEKHAR ATTRI PRESIDENT

RAJESH K. ARYA MEMBER

*PRESENT : Sh. Harish Goyal, Advocate (on V.C.) and Ms.Roma Gill, Advocate
for the Appellant*

Sh. Jatinder Singh, Advocate for the Respondent

PER RAJESH K. ARYA, MEMBER

1. Impugned in this appeal is the order dated 10.02.2025 of the District Consumer Disputes Redressal Commission- I, U.T. Chandigarh (for brevity hereinafter to be referred as “the Learned District Commission”), vide which, it partly allowed the Consumer Complaint bearing no.CC/ 214/2024 filed by the Complainant in the following terms:-

“9. In view of the above discussion, the present consumer complaint succeeds and the same is accordingly partly

allowed. OP is directed as under:-

j) to pay 2,50,000/- to the Complainant as compensation for causing mental agony and harassment;

ii) to pay 10,000/- to the Complainant as costs of litigation;

10. This order be complied with by the OP within a period of 45 days from the date of receipt of certified copy thereof, failing which the amount(s) mentioned at Sr.No.(i) above shall carry penal interest @ 12% per annum (simple) from the date of expiry of said period of 45 days, till realization, over and above payment of litigation expenses.”

2. For the convenience, the parties are being referred to, in the instant Appeal, as position held in Consumer Complaint before the Learned District Commission.

3. Facts in brief are that the Complainant owns a Ford Endeavour, having cost around 34,80,000/-. The Complainant had given the said car for repair to the Opposite Party on 16.11.2021 with complaint in transmission, to which the Complainant was informed that the transmission of the car needed to be changed at a cost of 1,30,000/- and the Complainant got the necessary repairs done. The complainant also paid a sum of 47,460/- on 16.11.2021 for another job in the car. Just after that job, the 'Check Engine' and the 'Service Key Wrench lights of the car were constantly on and the complainant informed the OP of the same multiple times, however, but nothing was done by the Opposite Party on the ground that this is a minor problem and the lights will turn off on its own after a while and the Opposite Party didn't pay even slight attention to the complainant's grievance. The complainant also informed the Opposite Party that there was a lot of technical faults being faced in the car and that the pickup of the car was not good and also the car was very jerky and not at all running properly, even after spending 1,30,000/- on service. But nothing was done by the Opposite Party and only after insisting that the car be checked, the Opposite Party agreed to check the car and then told the complainant that it will take 3 days for the fault to be rectified. Complainant gave the car for check up on 15.05.2022 and the Opposite Party kept the car for 20 days under its observation. Thereafter on 06.06.2022 the Opposite Party informed the complainant that the car was fine and that it had kept the car for observation for 500 KM. However, on 07.06.2022, after travelling only around 200 Km, the car again started to give the same problems and now, adding to the list of faults, the engine of the car started severely overheating as well. The complainant, vide letters dated 07.06.2022, 10.06.2022 and 16.06.2022 brought all this to the notice of

Opposite Party and asked for the assistance of Opposite Party. It was alleged that even after keeping the car under observation for 20 days and 500 km the Opposite Party had not repaired the car, rather the car started giving more problem due to changes made by the Opposite Party. It was further alleged that despite repeated requests made, the Opposite Party did not redress the grievance of the complainant. The complainant sent the Opposite Party repeated communications via e-mail, telephone as well as post, however, the Opposite Party failed to resolve the issues with the car even after keeping the car in its custody for 9 months. When the grievance of the complainant was not redressed by the Opposite Party the complainant had sent the Opposite Party a legal notice via e-mail on 20.10.2022, but to no avail. Thus the complainant was forced to file Consumer Complaint before District Consumer Dispute Redressal Commission on 29.11.2022 and during the pendency of the complaint, since the aforesaid car was lying useless in the service garage of the Opposite Party, the Complainant under protest out of necessity got the service done from the Opposite Party. Thereafter Opposite Party did the necessary repair again and issued bill invoice dated 31.03.2023 of 4,10,623/- (Annexure C/11) with full assurance that no further issue regarding useability of the car will persist. But even after paying hefty amount of 4,10,623/- for replacing the gear box, the car was still having same problem of jerking. Ultimately the Complainant gave his car for repair with Tricity Ford, Panchkula who repaired the car at the cost of 1,68,500/-. After that till now car is not giving any problem and complainant atleast is not facing any problem after about 2 years of having the problem. It was alleged that despite repeated requests made the Opposite Party did not rectify the problem of jerking and the car time and again gave problem of jerking. Hence, the aforesaid Consumer Complaint was filed before the Learned Lower Commission, alleging deficiency in service and unfair trade practice on the part of the OPs.

4. The Opposite Party did not turn up despite due service before the learned District Commission therefore, it was proceeded against ex-parte vide order dated 19.06.2024.

5. On appraisal of the pleadings and the evidence adduced on record, Learned District Commission partly allowed the Consumer Complaint of the Complainant, as noticed in the opening para of this order.

6. Aggrieved against the aforesaid order passed by the Learned District Commission, the instant Appeal has been filed by the Appellant/ Complainant.

7. We have heard Learned Counsel for the parties and have also gone through the evidence and record of the case, with utmost care and circumspection.

8. The questions for consideration may be summed up as whether the Respondent failed to competently repair the Appellant's vehicle, whether the recurring defects arose from deficiency in service rather than normal wear and tear, and whether the compensation awarded by the District Commission was just and proportionate.

9. It is undisputed that the Appellant repeatedly sent his Ford Endeavour to the Respondent between November 2021 and June 2023 for transmission-related problems. The invoices on record (Annexures C-1 and C-11) show payments of 1,30,000/- and 4,10,623/- for transmission and gearbox replacements. Despite these substantial repairs, the car continued to suffer from the same jerking and poor performance.

10. The Appellant made repeated complaints through emails dated 07.06.2022, 10.06.2022, 16.06.2022, and 21.07.2022. The Respondent acknowledged delays (Annexure C-7) but failed to provide a lasting solution. Eventually, the Appellant had to approach another authorized dealer, Tricity Ford, Panchkula, who rectified the fault for 1,68,500/-. This shows that the Respondent failed to diagnose and repair the defect competently, despite receiving substantial payments and undertaking major repairs.

11. It is pertinent to mention that vehicle in question is an old car, purchased in 2017. It had already done over 160,000 Km. when it was sent to the Respondent for repair on 14.10.2021. After running this much mileage the vehicle is bound to develop many other problems, mechanical faults as well due to its wear & tear and usage. The District Commission awarded 2,50,000/- as compensation for mental agony and harassment, along with 10,000/- as litigation costs. While the Respondent performed some repair work, a full refund of the repair costs is not warranted in the absence of expert evidence showing no genuine work was done. The compensation awarded is just and proportionate to the financial loss and inconvenience suffered by the Appellant.

12. In view of the above, this Commission finds no reason to interfere with the District Commission's order. The appeal is dismissed, and the order dated 10.02.2025 passed by the District Commission in Complaint No. 214 of 2024 is upheld in full. The Respondent shall comply with the directions, as per the directions of District Commission in the impugned order, failing which the compensation shall carry simple interest at 12% per annum from the date of default until realized. The Appellant shall bear his own costs in this appeal.

13. Any pending application(s) in this appeal stands disposed of accordingly.
14. Certified copies of this order be sent to the parties free of charge.
15. The appeal file be consigned to Record Room, after completion and the record of the Ld. District Commission be sent back immediately.

Pronounced

07th November,2025

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JUSTICE RAJ SHEKHAR ATTRI
PRESIDENT

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RAJESH KUMAR ARYA
MEMBER