

**IN THE DELHI STATE CONSUMER DISPUTES
REDRESSAL COMMISSION**

Date of Institution: 13.09.2017

Date of hearing: 13.11.2025

Date of Decision: 07.01.2026

FIRST APPEAL NO.464/2017

IN THE MATTER OF

MR. MANGE RAM

S/O MR. PHOOL SINGH

HOUSE NO. 127, SISODIA MOHALA

VILLAGE BHAKHTAWARPUR, DELHI-110036

...APPELLANT

(Through Mr. Braj Kishore Roy &
Mr. Harish Chander, Advocates
Mob.9990350445)

VERSUS

1. M/S AMAR TRACTOR AND AUTO AGENCIES

HOUSE NO. 3682/58, SHABI MARKET

1ST FLOOR, CHOWK MORI GATE

NEAR HDFC BANK, DELHI-110006

ALSO AT

BRANCH/SHOWROOM & WORKSHOP

QUTABGARH, MAIN KANJHAWALA ROAD

NEAR DEEPAK HARDWARE STORE, DELHI

...RESPONDENT NO.1

2. M/S SONALIKA INTERNATIONAL TRACTORS LTD.

(THROUGH ITS DIRECTOR)

VILLAGE CHAK GUJRA

P.O. PIPALWALA, JALLADHAR ROAD

HOSHIARPUR, PUNJAB

...RESPONDENT NO.2

(Through Mr.Rishab Raj Jain &
Ms. Romila Joshi, Advocates

Email: rishab@rrjassociate.com

Tel: 011-29846552)

CORAM:

HON'BLE JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)
HON'BLE MS. PINKI, MEMBER (JUDICIAL)

Present: Mr. Raj Sing, son of the deceased appellant.
Ms. Kirti Garg, counsel for the respondent.

PER : HON'BLE PINKI, MEMBER (JUDICIAL)

JUDGMENT

1. The present appeal has been filed by the appellant on 13.09.2017 impugning order dated 31.07.2017 passed by the District Consumer Disputes Redressal Forum-I (North District), Tis Hazari Court Complex, Delhi-110054 (hereinafter called the District Forum) in Consumer Complaint bearing no. 462 of 2010.
2. The facts of the case as per the District Commission record are as under:

“The complainant has filed the present complaint against the OPs under section 12 of Consumer Protection Act, 1986. The facts as alleged in the complaint are that the complainant who is a farmer on 6.5.2009 purchased a Sonalika Tractor, manufactured by OP-2 bearing Engine No.3012FL92C163, Chassis No.AZROX162121/3 Model No.DI-60mm for asum of Rs.4,70,000/- from OP-1 It is alleged that the OPs despite number of requests failed to provide the Registration Certificate as well as the Insurance Policy. It is also alleged that the said tractor was having manufacturing defects such as fuel pump, engine leakage, engine heat, tyre slip while turning and heavy consumption of diesel It is further alleged that with great persuasion 3 engineers of the OPs namely Sh.Ranbir Singh, Ajay Gulati and Sh. Arun Kumar inspected the said tractor on several occasions and lastly on 18.6.2010 and submitted their report regarding defect in the said tractor. It is alleged that the subject product is not in a usable condition since the purchase of the same. It is also alleged that the manufacturing

defects have not been removed by the OPs which have caused the complainant mental agony, harassment, humiliation and inconvenience etc. Further, a legal notice dated 27.7.2010 was served upon the OPs to remove the defects and damages to the tune of Rs.2,00000/- but despite service, the OPs have failed to comply. In view of above, the complainant has filed the present complaint claiming replacement of the above defective tractor along with Registration and Insurance Policy or in the alternative to refund the cost price of the tractor i.e. Rs.4,70,000/- along with interest @ 18% p.a. from the date of purchase till realization. The complainant has also claimed compensation of Rs.2,00,000/- towards mental agony, harassment, humiliation and inconvenience etc.”

3. The District Commission after taking into consideration the material available on record passed the judgment dated **31.07.2017**, whereby it held as under:

“11. We have gone through the pleadings of the parties, documents placed on file as well as written submissions on record. We have also gone through the Notice dated 27.7.2010 issued on behalf of the complainant to the OPs. The most important document relied upon by the complainant which goes to the root of the case is the letter dated 18.6.10 which purported to be the inspection report of the manufacturing defects in the subject tractor. Both the OPs in their written statements as well as in the affidavit have disputed the existence of such a report. In fact, it has been specifically pleaded that it is a fabricated document and has been concocted by the evil mind of the complainant. In the legal notice as well as the complaint it has been pleaded that the vehicle was inspected by three engineers namely Sh. Ranbir Singh, Ajay Gulati and Sh. Arun Kumar of the OPS. A bare perusal of so-called alleged report shows that it does not bear the signatures of the inspecting engineers, rather it is purported to be signed by one

Sh. Vinod Jain. The another discrepancy which we notice is that the alleged report is addressed to Mr. Ajay Gulati, who himself was stated to be one of the inspecting engineer. The contents of the report also raise a strong suspicion of doubt due to the standard of language used by the alleged three engineers, one example is "Mour par truck nachnelagta ha". These facts lead to only one conclusion that this letter dated 18.6.10 is totally un-reliable and cannot be believed for any purpose whatsoever.

12. The complainant has also filed two affidavits of the alleged workshop In-charge of Amar Tractor namely namely Sh. Raj Singh Rana and Sh. Sandeep. These two alleged officials have introduced a new story to the facts of the complaint. Both have testified that the subject tractor before sale to the complainant was used by one Sh. Dharmender, friend of the owner of the OP-1. These affidavits do not incorporate their officials status either in the oath or in the body of the affidavit but by black pen at the top of the affidavit "workshop In-charge, Amar Tractor" has been mentioned No proof of the employment of these two deponents with OP-1 has been filed on record. Under these circumstances, their statements are untrustworthy and hence rejected.

In view of above observations, the complainant has miserably failed to prove any manufacturing defect through expert/engineer report or opinion. On the contrary, the OPs through the affidavit of the Sr. Engineer as well as inspection of the subject tractor at the work shop have been able to show that the subject tractor had minor running and maintenance problems which are attributable due to misuse and irregular servicing. In view of the above discussion, the complaint is devoid of any merits and thus rejected. Ordered Accordingly. File be consigned to record room."

4. Aggrieved by the aforesaid order of the District Forum, the appellant/complainant has preferred the present appeal *inter-alia* on the ground that the respondents/opposite parties have played fraud on the appellant/complainant by giving a second hand tractor which was told by the engineer of the respondents/opposite parties who visited at the spot for inspection of the said tractor; after having cash amount for the purpose of registration and insurance, the respondent/opposite party has not performed the obligation on the part of the respondents/opposite parties; the respondent/opposite party has made false statement in the affidavit alleging that they have not received any complaint on the contrary the engineers of them visited at the spot to inspect the tractor and found the same defective; however, the report has been filed by the respondents/opposite parties denying any defects of the said tractor; Mr. Raj Singh Rana and Mr. Sandeep are the employees of the respondent no.1/opposite party no.1 working in the capacity of workshop-in-charge and salesman of the respondent no.1/opposite party no.1; the legal proposition of proper service and as the appellant/complainant is deprived to defend its case.
5. Vide order dated 12.07.2018, the respondent no.1/opposite party no.1 was proceeded *ex-parte*.
6. The respondent no.2, on the other hand, has denied all the allegations/grounds of the appeal and submitted that there is no error in the impugned order.
7. The appellant and the opposite party no.2 have also filed their short written submissions.
8. We have carefully and thoroughly perused the material available on record as well as the written submissions filed by the appellant and opposite party no.2.

9. The District Forum has rightly observed that respondent no.1/ opposite party no.1 in the affidavit filed by Mr. Pawan Jain, Proprietor denied having issued any inspection report dated 18.06.2010. The inspection report dated 18.06.2010 is the main document on which the present issue revolves and it has been denied by respondent no.1/opposite party no.1 as well as opposite party no.2. Respondent no.1/Opposite party no.1 has further stated on affidavit that the entire story of inspection dated 18.06.2010 and the alleged report is fabricated. Respondent no.2/opposite party no.2 has also filed the affidavit of Mr. P.C. Sood i.e. Company Secretary, who has similarly affirmed on oath that the entire story regarding inspection of the tractor on 18.06.2010 is fabricated.
10. It is the case of respondent no.2/opposite party no.2 that without prejudice to its rights, it had offered to have the tractor examined by its engineers or experts if so desired or directed by the District Forum. The respondent no.2/opposite party no.2 has also filed the affidavit of Mr. Ajay Gulati, Senior Engineer, who stated that he inspected the tractor in question on 15.06.2010 on a complaint regarding fuel consumption. According to his affidavit, certain tips were given to the appellant/complainant for fuel conservation and a demonstration was also provided. Mr. Ajay Gulati i.e. Senior Engineer, further deposed that at the time of inspection no other defect was found, and that the complainant/ appellant had never raised any complaint regarding pump problems, steering issues, or oil leakage from the engine as alleged in the complaint. He also stated that the alleged problems were minor in nature, resulted from lack of proper maintenance of the vehicle and were capable of being rectified.

11. The District Forum has rightly observed that in view of the affidavit filed by respondent no.2/opposite party no.2 and Mr. Ajay Gulati, Senior Engineer on 24.07.2012, the District Forum directed to the appellant/complainant to take the subject tractor to the workshop of respondent no.2/opposite party no.2. However, the record shows that the subject tractor was examined at M/s Haryana Automobiles where the appellant/complainant reported the following problems:

- a) *Tractor is not starting.*
- b) *There is back pressure in the engine and oil pressure is going down.*
The rectifications of above problems were also advised as under:
 - a) *The fuel injection pump is not working properly, needs to be sent to Mico Company for checking.*
 - b) *As there was not water in the radiator oil pressure in the engine and back pressure is low.*
 - c) *It was also observed that the seal of fuel injection pump is broken.*

12. The District Forum has also considered the additional evidence filed by the appellant/complainant about the visit of the appellant/complainant to the workshop at M/s Haryana Automobiles on 14.08.2012. Respondent no.2/opposite party no.2 filed the affidavit of Mr. Malkiyat Singh i.e. Authorized Representative who stated that the appellant/complainant was informed that the tractor was not starting due to improper functioning of the fuel injection pump and that would take three to four days to check the pump at Mico Co. He further deposed that the appellant/complainant did not agree to leave the tractor at the workshop and after obtaining the report and cost estimation took back his tractor back.

13. The District Forum has gone through the notice dated 27.07.2010 issued by the appellant/complainant to the

respondents/opposite parties. It has rightly observed that the most important document relied upon by the appellant/complainant, which goes to the root of the case is the letter dated 18.06.2010 claimed to be an inspection report regarding manufacturing defect in the tractor. The existence of the report dated 18.06.2010 has been disputed by the both the respondents/opposite parties. It has been pleaded on behalf of both the respondents/opposite parties that the said report is a fabricated document and has been concocted by the evil mind of the complainant.

14. The District Forum has also noted that the legal notice and the complaint wherein it has been pleaded that the vehicle was inspected by three engineers of the respondents/opposite parties namely Mr. Ranbir Singh, Mr. Ajay Gulati and Mr. Arun Kumar. District Forum examined the report dated 18.06.2010 and rightly observed that it does not bear the signatures of any of the alleged inspecting engineers and is instead shown to have been signed by Mr. Vinod Jain. Another discrepancy noticed by the District Forum is that the report is addressed to Mr. Ajay Gulati who himself was stated to be one of the inspecting engineers. The District Forum has further observed that the contents and language of the report also raise a strong suspicion of doubt about its authenticity, as the wording used does not appear to be that qualified engineers, one example is ***“Mour par truck nachne lagta ha”***. On the basis of these facts, the District Forum correctly concluded that the letter dated 18.06.2010 is totally un-reliable and cannot be relied for any purpose.
15. We are also of the considered view that the District Forum has rightly disbelieved the report dated 18.06.2010 for the cogent reasons mentioned in Para 11 of the impugned order.

16. The District Forum has also considered the affidavits of the workshop-in-charge of Amar Tractor namely Mr. Raj Singh Rana and Mr. Sandeep. On perusal of these affidavits, the District Forum rightly observed that they introduced a new story to the facts which was not part of the original complaint. Both deponents stated that the subject tractor before its sale to the appellant/complainant was used by one Mr. Dharmender i.e. friend of the owner of the respondent no.1/opposite party no.1. The District Forum further noted that the affidavits do not properly disclose the official status of the deponents either in the oath or in the body of the affidavit, and that the words “workshop-in-charge, Amar Tractor” were merely written at the top in ink. No documentary proof was placed on record to show that these persons were employees of respondent no.1/ opposite party no.1. In view of these deficiencies, the District Forum has rightly held that their statements were not trustworthy and rejected the same.
17. The District Forum has also considered that the appellant/complainant has failed to prove any manufacturing defect through an expert/engineer report or opinion. On the contrary, both the respondents/opposite parties through the affidavit of the Senior Engineer and the inspection of the tractor at the workshop, were able to show that the tractor had only minor running and maintenance issues which were attributable to misuse and irregular servicing.
18. Therefore, we find that the present appeal is devoid of merits and there is no reason to interfere with the order dated 31.07.2017 passed by the District Consumer Disputes Redressal Forum-I (North District), Tis Hazari Court Complex, Delhi-110054. Consequently, the present appeal bearing no.464/2017 stands dismissed.

19. Application(s) pending, if any, stands disposed of in terms of the aforesaid judgment.
20. The Judgment be uploaded forthwith on the website of the Commission for the perusal of the parties.
21. File be consigned to record room along with a copy of this Judgment.

**(JUSTICE SANGITA DHINGRA SEHGAL)
PRESIDENT**

**(PINKI)
MEMBER (JUDICIAL)**

Pronounced On 07.01.2026