

GOVERNMENT OF JAMMU & KASHMIR
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
BARAMULLA/BANDIPORA

Coram: -

1. Peerzada Qousar Hussian

..... President

2. Ms Nyla Yaseen

..... Member

Consumer Complainant No: 12/2024



**1. Mehvish Ashraf Prop M/S Olive Couture D/O Mohammad
Ashraf Wani R/O Varmul Heights Coloney Delina Baramulla.**

Versus

.....(Complainant)

- 1. Senior Superintendent of Posts Baramulla.**
- 2. Post Master General Baramulla.**
- 3. Post Master General Baramulla.**
- 4. Senior Superintendent of Posts Channi Himmat Jammu.**
- 5. Post Master Post Office Channi Himmat Jammu.**
- 6. Post Master Channi Himmat Jammu.**
- 7. Senior Superintendent of Posts Srinagar.**
- 8. Post Master Post Office Srinagar.**
- 9. Post Master General Srinagar.**

..... (opposite parties)

Date of Institution: 12-02-2024

Date of Decision: 11-05-2026

Appearing Counsel:

For the complainant: - Adv. Mubashir Hamid and Associates.

For the OPs: - Adv. Muzamil Hameed.

Judgement

The present complaint has been filed by the complainant before this Commission on 12-02-2024 alleging therein deficiency in service on the part of the OPs, with a prayer to grant the following relief:-

1. Direction to the OPs to compensate for the loss of the items containing three pashmina shawls worth Rs. 60,000/-.
2. Direction to the OPs to pay an amount of Rs. 1,00,000/- as compensation for mental agony and deficiency in service.

The complainant is a resident of Delina, Baramulla, UT of Jammu & Kashmir, who is doing online business under the name and style of M/S Olive Culture. The contention of the complainant is that she booked a parcel containing three pashmina shawls with the OPs for delivery to the intended recipient, which were worth Rs. 60,000/-. However, the said parcel was not delivered and was reported as lost while in transit. The complainant approached the OPs; however, despite repeated requests and follow-ups by the complainant, the OPs failed to trace the parcel or to compensate for the loss of the parcel. Therefore, alleging deficiency in service and negligence on the part of the OPs, the complainant approached the District Consumer Commission, Baramulla, for redressal of her grievances.

Notice Was Issued

Upon service of notice, the OPs submitted objections contending therein that the complaint is misconceived and deserves to be dismissed. The OPs further contended that the complainant, while making the registration of the alleged article, had neither disclosed before the postal officials nor had anything inscribed with regard to the valuable items upon the parcel so that the OPs could have come to know that the parcel contained valuable items.

The OPs further contended that the complainant was duty bound to apprise the OPs about the valuable items and was also supposed to cover the risk factor to ensure its safety. There is no proof that the parcel was containing any valuable items. The complaint is not maintainable in light of Section 6 of the Indian Post Office Act, 1898, which provides that the Post Office is exempted from liability for any loss, misdelivery, or damage of any postal article in the course of transmission by post.

Points for Determination

1. Whether the loss of the parcel amounts to deficiency in service.
2. Whether the complainant is entitled to compensation.

Evidence

The parties led evidence by way of affidavits. Both the parties were provided an opportunity to cross-examine the witnesses, and the opportunities were availed by the parties accordingly. The evidence on record, including the cross-examination, has been carefully perused and considered.

Findings

It is not disputed that the complainant entrusted the parcel to the OPs and that the same was not delivered to the consignee. The said parcel was lost while in transit, which is also not disputed, as the communication of the Senior Superintendent of Posts, Jammu, referred to as OP No. 1, addressed to the Superintendent of Posts, Jammu, clearly reflects "item not received/item lost."

Since the OPs have relied upon statutory protection under Section 6 of the Indian Post Office Act, 1898. However, the Hon'ble National Commission in *Department of Posts vs.*

Raja Prameelamma held that in respect of paid postal services such as Speed Post, failure to deliver entrusted articles constitutes deficiency in service where the Postal Department was held liable for compensation.

Additionally, the evidence of the OPs does not satisfactorily explain the loss of the parcel and nothing has been elicited in the cross-examination to discredit the claim of the complainant. The OPs have failed to establish due diligence. The postal receipt of the parcel placed on record also shows the weight of the parcel as 10,510 grams, which substantiates that the parcel was containing three pashmina shawls. The OPs were under a bounden duty to take every care with diligence and ensure delivery of the parcel in question to the consignee. The loss of the parcel undoubtedly amounts to deficiency in service on the part of the OPs. Furthermore, the prayer of the complainant for compensation of Rs 1,00,000 (one lakh) seems not to be justified however the complainant is held entitled to the value of the goods lost during the transit alongwith reasonable compensation for causing mental agony and harassment.


In view of the above facts and circumstances of the case, the complaint is partly allowed and disposed of with the following directions: -

1. The OPs are directed to pay an amount of Rs. 60,000/- to the complainant as cost of three shawls purchased by the complainant, against the payment of Rs. 60,000/-.
2. The OPs are further directed to pay an amount of Rs. 50,000/- to the complainant as compensation for mental agony and harassment and Rs. 10,000/- as litigation charges.

The OPs shall pay the above amount within a period of 30 days from the date of this order, failing which the entire awarded amount shall carry interest at the rate of 6% per annum.

Order announced
Date: 11-05-2026


Nyla Yaseen
Member
District Consumer Disputes
Redressal Commission
Baramulla


Peerzada Gousa Hussain
President
President
District Consumer Disputes
Redressal Commission
Baramulla

Copy of this Order be provided to the parties for compliance and file be consigned to records after due completion.