

**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION KANGRA AT DHARAMSHALA, H.P.**

Date of Institution: 25.10.2025
Date of final hearing: 27.07.2026
Date of Pronouncement: 03.08.2026

Consumer Complaint No.-DC/18/CC/399/2025

IN THE MATTER OF

Raj Kumar Son of Kali Dass, R/o Village Suwala, Post Office Nagan
Patt, Tehsil Dharamshala, District Kangra, H.P.

.....Complainant

Versus

1. Mohit Kapoor, S/o Sanjay Kapoor
2. Meena Kumari, Wd/o Sanjay Kapoor
3. Om Parkash, Brother of Sanjay Kapoor

All residents of VPO Paprola, & Tehsil Baijnath, District Kangra, H.P.
Business Name: *Kapoor Jewellers*, VPO Paprola, & Tehsil Baijnath,
Distt. Kangra, Near Utrala Road, Distt. Kangra, H.P.

.....Opposite Party(s)

CORAM:

President: Mr. Hemanshu Mishra

Members: Ms. Arti Sood & Sh. Narayan Thakur

Present:- Mr. Deepak Puri, Ld. counsel for complainant.
Ms. Priyanka, Legal Aid Counsel for opposite parties
No.1&2.

Mr. Sushil Kumar, Ld. counsel for opposite party No.3.

PER: Mr. Hemanshu Mishra, President:-

ORDER

Facts giving rise to filing of this complaint are that

complainant had long-standing family and business relations with the late Shri Sanjay Kapoor and the OPs, who ran a gold ornament business under the name *M/s Kapoor Jewellers* at Paprola. On 01/09/2023, vide Sr. No.272, the Complainant handed over two old gold *Kadas* weighing 32 grams to the shop to melt them down and manufacture a new set of *Kadas* weighing 40 grams with a modern design. The OPs promised delivery within two months. However, despite multiple visits by the Complainant, the execution was repeatedly delayed by late Shri Sanjay Kapoor under various

pretexts. In the year 2024, Shri Sanjay Kapoor passed away. Subsequently, OP No.1 and OP No.2 took over the business operations of *Kapoor Jewellers*, while OP No.3 was also alleged to be involved. When the Complainant approached the OPs either to deliver the new ornaments or return the original 32 grams of gold, they continuously delayed the matter and finally, on 29-09-2025, categorically refused to return the gold or provide the new *Kadas*. Hence, this complaint was filed seeking the return of the gold, monetary value for the differential weight, compensation and litigation costs.

2. Upon notice, opposite party(s) No.1 & 2 appeared through counsel and contested the complaint taking preliminary objection of maintainability. They explicitly denied any transaction taking place between them and the Complainant. They asserted that they never received any gold ornaments from the Complainant nor did they issue any estimate or receipt. They contended that if any transaction occurred, it was personal to OP No.3.

3. Opposite party No.3 also filed separate reply taking preliminary objections of maintainability and non-joinder of necessary parties. Opposite party No.3 denied any involvement with M/s Kapoor Jewellers, stating that he has been employed with the Himachal Khadi Mandal at Banjar, Kullu, since 1993 and has no concern with his deceased brother's jewellery business. He asserted that the Complainant has concocted a false story to grab gold and money.

4. The complainant has filed rejoinder denying the contents of the reply filed by opposite party(s) and reiterating those of complaint.

5. The parties were called upon to produce their evidence in support of their contentions and accordingly the parties have adduced their respective evidence.

6. We have heard learned counsel for the parties and also gone through the case file carefully.
7. After considering the record, evidence, and arguments presented by both parties, it is established that the complainant did hand over 32 grams of gold (two old gold kadas) to M/s Kapoor Jewellers on 01/09/2023 vide Sr. No. 272 for making kadas of 40 grams.
8. The defence raised by Opposite Parties Nos. 1 and 2 that no such transaction took place falls flat in the face of the documentary evidence specifically, the receipt marked as Annexure A-1 produced by the complainant. As legal heirs who took over the business operations of the late Shri Sanjay Kapoor, Opposite Parties Nos. 1 and 2 cannot escape their liability.
9. Furthermore, the defence of Opposite Party No. 3 regarding his employment elsewhere does not absolve him from the collective liability of this family-run business concern. The complainant attempted to call the Opposite Parties multiple times, but the OPs failed to respond to the calls (details attached as Annexure A-2).
10. It is pertinent to highlight that this is not an isolated instance of unfair trade practice or service deficiency by M/s Kapoor Jewellers. Various other similar complaints are either pending or have been disposed of by this Commission against the Opposite Parties, reflecting a continuous pattern of consumer exploitation. Notably, one similar complaint Consumer Complaint No.326/2025 was decided against Kapoor Jewellers by this Commission on 30.05.2026.
11. The retention of the complainant's gold without delivering the promised ornaments or returning the raw material amounts to a gross deficiency in service and unfair trade practice. Therefore, the Opposite Parties are jointly and severally liable to return 32 grams of gold to the complainant. Hence, the complaint deserves to be allowed.

12. Accordingly, the complaint is allowed, and the Opposite Parties are jointly and severally directed to return 32 grams of gold to the complainant within 60 days from the date of receipt of a copy of this order. In addition, the Opposite Parties are jointly and severally directed to pay compensation of Rs.25,000/- to the complainant, along with litigation costs quantified at Rs.10,000/-.

13. Applications pending, if any, stand disposed of in terms of the aforesaid order.

14. A copy of this order be provided to all the parties free of cost as mandated by the Consumer Protection Act, 1986/2019. The order be uploaded forthwith on the website of the Commission for the perusal of the parties.

15. File be consigned to record room along with a copy of this order.

(Hemanshu Mishra)
President

(Narayan Thakur)
Member

(Arti Sood)
Member

K.D*