



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.19472 of 2026(O&M)

Reserved on : 06.08.2026

Pronounced on: 11.09.2026

Uploaded on : 14.09.2026

Ford India Private Limited

.....Petitioner

Versus

Shri Yogesh Jain and others

...Respondents

**CORAM:HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPIK SINGH NALWA**

Present: Mr. Arvind Kumar Ray, Advocate,
Mr. Vipul Joshi, Advocate and
Mr. Srijan Garg, Advocate for the petitioner.

SUVIR SEHGAL, J.

1. Petitioner, a manufacturer of motor vehicles, has approached this Court under Articles 226/227 of the Constitution of India for a writ of certiorari setting aside judgment dated 2nd April, 2026 (Annexure P-1) passed by the National Consumer Disputes Redressal Commission, New Delhi, (for short “National Commission”). By a common judgment, National Commission dismissed two revision petitions preferred by petitioner as well as dealer- respondent No.2, upholding concurrent orders passed by the District Consumer Disputes Redressal Forum, Amritsar, (for short “District Forum”) and State Consumer Disputes Redressal Commission, Punjab, (for short “State Commission”).



2. Necessary facts may be noticed. Consumer-respondent No.1 purchased a Ford EcoSport vehicle on 1st July, 2015, for a sale consideration of Rs.10,42,776/- from dealer-respondent No.2. On 27th May, 2016, the vehicle met with an accident on Pathankot-Amritsar G.T. Road, where it struck a road divider and turned turtle. Two airbags on the right side of the driver's seat were deployed, whereas front side airbag and three airbags on the left side failed to deploy. The driver of the vehicle suffered severe injuries. Alleging failure of the safety system and inherent manufacturing defect, consumer-respondent No.1, instituted a complaint under the Consumer Protection Act, 1986 (for short 'the Act'). Vide order dated 14th March, 2017 (Annexure P-3), District Forum allowed the complaint and, *inter alia*, directed the manufacturer and dealer-respondent No.2, jointly and severally, to refund the price of the vehicle, subject to transfer of the vehicle in their favour, besides awarding compensation and litigation costs. Separate appeals preferred by the manufacturer and dealer were dismissed vide a common order by the State Commission on 13th July, 2017 (Annexure P-5). Petitioner, thereafter, carried the matter before the National Commission and revision petition was dismissed vide impugned judgment dated 02.04.2026 (Annexure P-1).

3. Counsel for the petitioner contends that a finding of manufacturing defect could not have been returned without an expert opinion or a laboratory test under Section 13 (1) (c) of the Act. He urges that SRS airbag system is a technically sophisticated system and its functioning depends upon the direction, angle and severity of



impact. Reliance has been placed by him upon the owner's manual to contend that airbags are not designed to deploy in every collision or roll-over. He asserts that as consumer forum has failed to follow the procedure laid down under the statute, concurrent findings recorded by the fora cannot be sustained.

4. We have heard counsel for the petitioner and have given our thoughtful consideration to the arguments addressed, besides examining the documents relied upon by him.

5. The relevant extract of Section 13 (1) (c) of the Act, which is necessary for the adjudication of the present petition, is reproduced hereunder:-

“(c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether such goods suffer from any defect alleged in the complaint or from any other defect and to report its findings thereon to the District Forum within a period of forty-five days of the receipt of the reference or within such extended period as may be granted by the District Forum.”

6. Section 13(1)(c) of the Act comes into operation where the alleged defect is of such a nature that it cannot be determined without



proper analysis or test. It is only upon satisfaction of this condition that the statutory requirement of obtaining a sample and sending it to an appropriate laboratory or for test, become obligatory. The provision does not mandate that in case of every allegation of defect, it must necessarily be established by evidence of an expert. A patent defect or failure, which can reasonably be inferred from the established circumstances, does not require a laboratory analysis merely because the product has a sophisticated mechanism.

7. In the present case, finding of manufacturing defect is not based merely on the basis of the assertion of respondent No.1 that airbags failed to deploy. Consumer fora have taken into consideration the totality of the surrounding circumstances. It has been proved that the vehicle struck a divider and tumbled over causing a severe damage to the vehicle. Vehicle was equipped with six airbags but only two airbags deployed. The other four, including the front driver-side/dashboard airbag, did not deploy and the driver of vehicle suffered grievous injuries. Two out of these six airbags admittedly deployed, while remaining four failed. District Forum and the State Commission considered these circumstances sufficient to infer failure of the safety system. State Commission expressly invoked *res ipsa loquitur*. National Commission independently considered and rejected the defense raised by the manufacturer. These concurrent findings are based on material on the record and cannot be interfered in exercise of extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India.



8. Controversy is squarely covered by the decision of Hon'ble the Supreme Court in ***Hyundai Motor India Limited Vs. Shailendra Bhatnagar. (2023) 14 SCC 628***, wherein it has been observed that a consumer while purchasing a vehicle fitted with airbags would ordinarily assume that the same would be deployed whenever there is a collision from the front side of the vehicle "in respect of front airbags". Apex Court further observed that both the fora in their decisions have highlighted the fact that there was a significant damage to the front portion of the vehicle and deployment of airbags ought to have prevented injuries being caused to those travelling in the vehicle particularly those seated in the front. Apex Court held that a consumer is not meant to be an expert in physics calculating the impact of a collision on the theories based on velocity and force.

9. Factual position in the case at hand is admitted. Striking of the vehicle with a road divider and its turning turtle is not disputed. There was an extensive damage to the vehicle on all the four sides and with such an impact, all the six airbags should have deployed. Non-functioning of the airbags in the case of such severe impact clearly reflects a failure of the safety system and a manufacturing defect in the vehicle. Petitioner's reliance upon owner's manual does not improve his case. The same argument was specifically advanced before the National Commission. After noticing the plea that airbags were designed to deploy only in specified types and angles of collision, National Commission found the assertion unsupported by convincing material. Petitioner is essentially seeking re-appraisal of the factual and technical



contentions which have been urged before and rejected by the consumer forum. The extraordinary and supervisory jurisdiction of this Court cannot be converted into appellate jurisdiction for such a purpose.

10. In view of the foregoing discussion, this Court does not find any patent perversity, jurisdictional error or manifest failure of justice in the impugned judgment passed by the National Commission.

11. Writ petition is dismissed.

12. Pending miscellaneous application(s), if any, shall stand disposed of.

(SUVIR SEHGAL)
JUDGE

11.09.2026

(DEEPINDER SINGH NALWA)
JUDGE

d.gulati

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No