

**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
AT NEW DELHI**

REVISION PETITION NO. 4083 OF 2014

(Against order dated 10.07.2014 in Appeal No. 437/2012
of the State Consumer Disputes Redressal Commission, Tamil Nadu)

M. N. RANJINI
20-C, Thirubhuvanam,
Pookollai, Thiruvudaimarudur
Taluk, Thanjavur District

... PETITIONER

Versus

DEPUTY DIRECTOR / SPECIAL OFFICER
Thirubhuvanam,
Silk Handloom Weavers
Co-operative Sale Society Limited,
2-322, Thirubhuvanam, Kumbakonam Taluk,
Thanjavur District

... RESPONDENT

REVISION PETITION NO. 4084 OF 2014

(Against order dated 10.07.2014 in Appeal No. 438/2012
of the State Consumer Disputes Redressal Commission, Tamil Nadu)

M. R. NAGENDRAN
20-C, Thirubhuvanam,
Pookollai, Thiruvudaimarudur
Taluk, Thanjavur District

... PETITIONER

Versus

DEPUTY DIRECTOR / SPECIAL OFFICER
Thirubhuvanam,
Silk Handloom Weavers
Co-operative Sale Society Limited,
2-322, Thirubhuvanam, Kumbakonam Taluk,
Thanjavur District

... RESPONDENT

BEFORE:

HON'BLE MR. JUSTICE A. P. SAHI, PRESIDENT
HON'BLE MR. BHARATKUMAR PANDYA, MEMBER

Appeared at the time of Arguments

For the Petitioner : Mr. S. Muthukrishnan, Advocate

For the Respondent : Mr. S. Sasi Bhushan, Advocate
Ms. K. Sandhya Rani, Advocate

PRONOUNCED ON: 22.09.2026

ORDER

A. P. SAHI, J (PRESIDENT)

1. These two Revision Petitions raise an interesting issue that arise out of the reversal of an Order of the District Consumer Disputes Redressal Commission, Thanjavur by the State Consumer Disputes Redressal Commission, Tamil Nadu. The District Commission had allowed the Complaint but on an Appeal filed by the Respondent the State Commission has reversed the same. The Complaint was filed alleging deficiency in service against the Petitioner Society for having sold a silk saree to each of the Complainants that were qualitatively deficient in the content of the zari (metallic embroidery thread) used in the making of the saree. In short the purity of the same was compromised. The Complainant Mr. M. R. Nagendran had purchased a saree for a sum of Rs.15,105/- after rebate and the other Complainant, Ms. M. N. Ranjini had purchased a saree for a sum of Rs.21,661/-. The Complainants alleged that the zari used was of a low standard silver content which they came to know after testing from a Zari Testing Centre at Salem. It is with the said allegations that the Complaints were filed alleging deficiencies after giving a legal notice on 09.07.2011. The Complainants claimed themselves to be the Members of the Society and they alleged that the Society had duped them.
2. The District Commission then analysed the evidence on the allegations about Government norms as per ISI and after having considered the percentage of purity came to the conclusion that the test reports that had

been led in evidence exhibited deficiency, and accordingly allowed both the Complaints on 29.02.2012 by separate orders. The findings recorded in both the decisions are similar, holding that the Petitioner Society has not followed the norms fixed by the Government and had utilized sub-standard material. Consequently refund was ordered on the return of the saree and Rs.15,000/- was awarded for mental agony together with litigation cost of Rs.1500 and travel expenses to the tune of Rs.5,000/- to each of the Complainants.

3. In order to appreciate the contentions, the metallic threads (Silver based gold threads) require a percentage of minimum gold content and silver content for grade 1 and 2 sarees that is prescribed. The composition has been detailed in the Order of the District Commission and is therefore not being reproduced herein.
4. When the matter went up in Appeal by the Respondent Society the Order of the District Commission was reversed on the ground that the Complainant had failed to establish any false representation and that the exhibits that had been relied on by the District Commission, did not confirm that the Zari which was tested was of the saree purchased from the Society. The State Commission held that the District Commission had not followed the correct procedure for getting an expert opinion as prescribed under Section 13 of the Consumer Protection Act, 1986. The Appeals were therefore allowed and the Complaints were dismissed.

5. The Complainants filed the present Revision Petitions and they came to be admitted for being heard. This Commission after hearing the learned Counsel for the Parties passed the following Order on 08.02.2016:

"The Counsel for the Revision Petitioner and the Counsel for the Respondent are present.

*The Counsel for the Revision Petitioner drew my attention to the order of the District Forum, in which it is stated that **in the silk sarees the minimum silver content needs to be 75% whereas in the first, second and third reports though the gold content was 0.63%, 0.66% and 0.74% respectively, the silver content was 37.93%, 30.80% and 37.15% respectively.***

*The Counsel for the Respondent submits that the **quality certificates issued by the Saree Testing Centre does not pertain to the relevant sarees.** I observe from the record that the relevant **quality certificates, on which both the Counsels are relying upon, have not been filed.***

I find it a fit case to call for the record of the State Commission. Ordered accordingly.

Post under the same caption for hearing on admission after notice on 21.04.2016.

If the relevant certificates, on which both the Counsels are relying upon, are not a part of the record before the State Commission, they are directed to file the same before the next date of hearing."

6. The matter was heard once again on 10.07.2019 and the following Order was passed:

"Heard in part.

One of the submissions made by Mr. S. Sasibhushan, Learned Counsel for the Respondent is that provision of Section 13(1)(c) of the

*Consumer Protection Act, 1986 has not been complied with as **there were two contrary reports of the testing laboratory regarding the contents of silver and gold in the Zari used in the two Saris purchased by the Petitioner.** According to Mr. A.E. Lakshmi Narayanan, Learned Counsel for the Respondent **both the Saris have been deposited in the District Consumer Disputes Redressal Forum, Thanjavur.***

*In the interest of justice, **we deem it appropriate to direct the Registrar of the District Forum to send both the Saris for testing to Tamil Nadu Zari Limited, a Government of India undertaking, Industrial Estate, Orikkai Kancheepuram-631502,** within two weeks from the date of receipt of a certified copy of this order. **Tamil Nadu Zari Limited is directed to submit the test report to the District Forum** within four weeks from the date of receipt of Saris and **the District Forum shall furnish the said report to this Commission forthwith. The test report should have the Indian Standard Specifications for gold thread (silver base).***

Learned Counsel for the Petitioners is directed to file the certified copy of this order before the District Forum for compliance within a week.

List on 16.09.2019."

7. The District Commission after conducting the said exercise did not tender any report about the testing as per the directions dated 10.07.2019 and therefore a report was called for from District Commission once again on 11.08.2020.

8. A letter was received that the District Commission intimating that the matter had been sent to the Tamil Nadu Zari Limited which is a Government undertaking and information was received that the said testing centre is not accredited by the National Accreditation Board. It was accordingly suggested that the test should be carried out by the National Test House, Kolkata. The Order passed on 12.10.2020 is extracted herein under:

"Vide order dated 10.07.2019, this Commission had directed as under:

"Heard in part.

One of the submissions made by Mr. S. Sasibhushan, Learned Counsel for the Respondent is that provision of Section 13(1)(c) of the Consumer Protection Act, 1986 has not been complied with as there were two contrary reports of the testing laboratory regarding the contents of silver and gold in the Zari used in the two Saris purchased by the Petitioner. According to Mr. A.E. Lakshmi Narayanan, Learned Counsel for the Respondent both the Saris have been deposited in the District Consumer Disputes Redressal Forum, Thanjavur.

In the interest of justice, we deem it appropriate to direct the Registrar of the District Forum to send both the Saris for testing to Tamil Nadu Zari Limited, a Government of India undertaking, Industrial Estate, Orikkai Kancheepuram-631502, within two weeks from the date of receipt of a certified copy of this order. Tamil Nadu Zari Limited is directed to submit the test report to the District Forum within four weeks from the date of receipt of Saris and the District Forum shall furnish the said

report to this Commission forthwith. The test report should have the Indian Standard Specifications for gold thread (silver base).

Learned Counsel for the Petitioners is directed to file the certified copy of this order before the District Forum for compliance within a week.

List on 16.09.2019.

*A letter received from the District Forum and the documents annexed thereto show that **Tamilnadu Zari Ltd. which is a Government undertaking, has informed the District Forum that their testing center is not accredited by NABL. They have suggested that the testing be carried out by National Test House, Kolkata.** The address of National Test House and the fee prescribed by them is given in the letter. The petitioners are directed to deposit the requisite fee with the concerned District Forum within two weeks from today. Thereafter, **the District Forum will send both the sarees alongwith the fee for testing to National Test House, Kolkata within one week of such deposit. National Test House** will be requested by the District Forum to send its report directly to this Commission.*

Re-notify on 11.01.2021, awaiting the report of National Test House."

9. Accordingly the District Commission was redirected to get the test done and as it appears from the record, the District Commission proceeded accordingly. However, the test report from the National Test House, Kolkata was awaited and it is long thereafter that the test was received that came to be recorded in the Ordersheet dated 20.06.2024 which is extracted herein under:

*"Seen Letter No. NTH (ER)/CH(M)/2020/00298, dated 08.05.2024 received from National Test House (Eastern Region) Kolkata, in which it has been mentioned that the Test Certificate following the Order dated 12.10.2020 was issued/ dispatched to this Commission on 15.12.2020. As per office noting, however, no such Certificate was received at that time. **Now, the National Test House along with its aforesaid letter has sent certified True of Copies of the aforesaid Certificate** for consideration by this Commission. Let Copies of the true certified Copies of the concerned Certificate sent by the National Test House be delivered to Ld. Counsel for both sides.*

List the matter for final hearing on 19.12.2024.

Parties to file and exchange their Written Synopsis/Additional Written Synopsis along with lists of citations under proper indexing and pagination, with reference to the relevant paragraphs, a week before the next date."

10. Learned Counsel for the Parties were then given an opportunity to obtain a copy from the test certificate and respond accordingly. The Order dated 30.04.2025 is extracted herein under:

"These revision petitions are of the year 2014 concerning some claims which have been decided in the complaint as well as in the appeals and when the matter came up before this Commission, the petitioners pointing out towards the order of the District Commission raised an issue of the content of gold and silver in silk sarees, the quantity whereof became a subject matter of consideration by this Commission and accordingly orders were passed for the samples being sent for testing to the Tamil Nadu Zari Limited, a Government of India undertaking in Kanchipuram. The said tests could not be carried out by the said institution as it was informed that it did not have the

*appropriate accreditation from the NABL and accordingly a fresh order was passed by this Commission on 12.10.2020 directing that the samples be sent to the National Test House at Kolkata and report be obtained accordingly. This exercise has consumed about four years and **ultimately the report from the National Test House has arrived accompanied with the letter dated 08.05.2024, which is on record.***

The same was noted in the order sheet dated 20.06.2024. Learned counsel for the parties were directed to exchange their written submissions after getting the copies of the concerned certificate received from the National Test House, that was directed to be delivered to them. Learned counsel for both the parties have expressed their inability to file written submissions, on the ground that they have not yet received the copies of the certificate. Both the learned counsel are directed to obtain a copy of the said certificate and photostat copy thereof shall be supplied by the registry within three days. They may respond to the same at the earliest. The matter is unnecessarily consuming the time of this Commission for the past several years.

List for final hearing on 15.07.2025."

11. The arguments commenced on 19.02.2026 when the following Order came to be passed:

"1. These two revision petitions arise out of two complaints that were decided by the DCDRC, Thanjavur, Tamilnadu and vide order dated 29.02.2012 the complaints were allowed holding that there was deficiency in the qualitative product of a brocade saree where the content of silver was below the standard which are required to be maintained. The complainant is one of the members of the Thirubhuvanam Silk Handloom Weavers Co-Operative Sale Society Ltd., the opposite party in the complaint.

The complainant seems to have known about the composition that is required to be maintained and therefore it was alleged that the sarees that were purchased were deficient in their silver and gold content.

2. The District Commission has referred to the composition content as per Bureau of Indian Standard Specification that has been extracted in paragraph-8 of the order in CC/54/2011.

3. The complainants had approached a testing centre named '3 Sari Testing Centre at Salem'. The said reports have been extracted in paragraph-8 of the impugned order. The District Commission finding deficiency after discussing the evidence allowed the complaints vide two separate orders both dated 29.12.2012 directing the opposite party to refund of the cost of the saree together with a compensation of Rs.15,000/- and Rs.5,000/- as travel expenses coupled with Rs.1500/- as cost of litigation.

4. Against both the orders two appeals were filed before the State Commission at Madurai Branch and the orders of the District Commission were reversed on the ground that the documents which were taken into account for confirming the contents of the elements of the saree had not been proved through a proper procedure either under Section 13 of the Consumer Protection Act, 1986 or by the complainants themselves in accordance with law. The appeals were allowed and the complaints were dismissed. The complainants have come up in a revision petition and it appears that this Commission passed an order on 10.07.2019 directing the Registrar of the District Forum to send both the sarees for testing to an independent lab namely Tamilnadu Zari Ltd. which is a

Government of India undertaking at Industrial Estate Orikkal Kancheepuram. However, the said direction could not be carried out as it was informed to the Commission that the said testing centre was not accredited by NABL and accordingly a suggestion was made that the sarees be sent to National Test House, Kolkata.

*5. Accordingly, on 12.10.2022 a direction was issued to the District Commission for sending the sarees for testing to the National Test House at Kolkata and for submission of a report. The report had not arrived and several orders were passed by this Commission awaiting the arrival of the report that has ultimately reached this Commission through the letter dated 08.05.2024. The said test report was perused and this Commission directed that copies of the said report be delivered to the learned counsel for both the parties. The same appears to have been done but no written synopsis has been filed and these facts have been noted in the order passed by us on 30.04.2025. No further responses have been filed pursuant to the order dated 30.04.2025 but Mr. Rahul Kumar Singh appearing for the complainants/petitioners in both the cases has urged that **the test certificate dated 14.12.2020 which has now been brought on record confirms that the silver content was 38.12 and the gold content was 0.46. In one of the tests and with regard to the other saree the silver content was 41.82 and gold 0.46.***

*6. He therefore submits that it is now confirmed that **according to the Bureau of Indian Standards minimum of silver content in a Grade-1 saree has to be 75% and in a Grade-2 saree it has to be 60%. In the present case the***

content of silver has far below from the standards fixed and indicated in the order of the District Commission and therefore the deficiency stands confirmed. It is urged that the State Commission was of the opinion that there was no **confirmatory test or evidence** which now stands categorially **cured with the intervention of this Commission by exercising power under Section 13 (1) (c) of the Consumer Protection Act, 1986** to which no objections have been filed till now.

7. So far as the gold content is concerned the minimum percentage according to the standards is 0.5% in Grade-1 Saree and 0.25% in Grade-2 Saree. **In the instant case the content of gold in both the samples is 0.46% which is about 0.5% that is required for a Grade-1 saree.** The test certificate also records that there has to be a leverage given for gold and the extent of uncertainty at 90% confidence level has been provided for at ± 0.02 . Learned counsel for the complainants contents that **even though this is less than the standard yet the silver content is definitely far below the standards as indicated above.**

8. Learned counsel for the respondent Mr. Shashi Bhushan has appeared online and he states that the status of the samples sent for testing is not confirmed as there is no evidence to indicate that they were the same samples which were required to be tested. He has doubted the invoice numbers etc. to raise his contention. He however submits that since he is unwell today therefore he will advance his submissions on some other day.

9. We may point out that the parties had been given an opportunity to contest the position by the previous orders but no objections have been filed till date.

10. Learned counsel for the respondent may therefore advance his submissions by the next date fixed. List on 22.05.2026."

12. The matter was finally heard by us on 07.09.2026 and learned Counsel for the Respondent urged that there is no proof of the fact that the sarees purchased by the Complainants were the same sarees that had been sent for being tested. He submits that in the absence of such identification the report of the National Test House cannot be taken on record or be made the basis of any decision.

13. Learned Counsel for the Petitioners however urged that the report of the National Test House cannot be doubted as it is an independent authority and the said test was in compliance of the orders passed under the provisions of Section 13(1)(c) of the Consumer Protection Act, 1986. It is urged that there being no evidence to the contrary, the samples that were sent for test, prove that the contents were below standard and therefore the conclusion drawn by the District Commission is justified.

14. We may point out that the test which has been carried out was on the directions of this Commission and has been received by this Commission directly vide letter dated 08.05.2024. The report deserves to be extracted inasmuch as the same is a document which has come on record during the pendency of the present proceedings:



भारत सरकार
Government of India

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
Ministry of Consumer Affairs, Food & Public Distribution
उपभोक्ता मामले विभाग Department of Consumer Affairs

राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र)
National Test House (Eastern Region)
निदेशक का कार्यालय Office of The Director

आजादी का
अमृत महोत्सव

ब्लॉक - सीपी, सेक्टर - V, कोलकाता - 700091 Block - CP, Sector - V, Kolkata - 700091

+91 033 23673829/30/68/71 nthsat-wb@nic.in www.nth.gov.in / www.mis.nth.gov.in (Service Portal)

NTH(ER)/CH(M)/2020/00298

date: 08/05/2024

To
The Hon'ble National Consumer Disputes Redressal Commission
Upbhokta Nyay Bhawan,
F - Block, General Pool Office Complex,
INA, New Delhi.

RP 4083/2014

Kind attention: Section Officer, National Consumer Disputes Redressal Commission.

Sub: Consumer Protection - District Consumer Disputes Redressal Commission, Thanjavur - C.C.

Nos. 54/2011 and 55/2011 - Saris- 2Nos. regarding.

Reference: Letter D.No. 230/2024 dated 30.04.24

Sir,

With reference to your letter cited under reference. This is to inform you that Test Certificate No. NTH (ER)/CH(M)/2020/00298A & NTH(ER)/CH(M)/2020/00298B dated 14/12/2020 has been already issued to the Section Officer, National Consumer Disputes Redressal Commission, Upbhokta Nyay Bhawan, F - Block, General Pool Office Complex INA, New Delhi - 110023.

Test Certificate dispatched on 15/12/2020 vide speed post No. EW492127765 IN, Diary No. 9 dated 15/12/2020. However, the above mentioned certified true copy of Test Certificate is being dispatched again to NCDRC, New Delhi. However the signatory (1) and (2) have superannuated from the government Service. So, this test certificate authenticated by the incumbent, In -Charge, Chemical Lab.

Yours faithfully,

Encl: As stated above

RP 08/05/24
Buddh Prakash,
Scientist - D (Chemical)
For Director, NTH (ER), Kolkata.

M. V. Singh
Secretary



बुद्ध प्रकाश / Buddh Prakash
वैज्ञानिक-डी (रासायनिक) / Scientist-D (Chemical)
भारत सरकार / Government of India
राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र) / NATIONAL TEST HOUSE (ER)
उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण मंत्रालय
Ministry of Consumer Affairs, Food and Public Distribution
उपभोक्ता मामले विभाग / Department of Consumer Affairs
ब्लॉक सीपी, सेक्टर-5/1 / Salt Lake, Kolkata-91



भारत सरकार
Government of India

राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र)
National Test House (Eastern Region)

ब्लॉक - सी पी, सेक्टर - 5, साल्ट लेक सिटी, कोलकाता - 700 091
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Test Certificate No Date of Issue Code No Page No of Pages
(ER)/CH(M)/2020/00298A 14/12/2020 1605512060451 1 2

जैसे जारी करना है
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पता

Address

THE SECTION OFFICER, NATIONAL CONSUMER DISPUTES
REDRESSAL COMMISSION

Upbhokta Nyay Bhawan, 'F'-Block, General Pool Office
Complex, INA, New Delhi-110023

ग्राहक का संदर्भ सं एवं दिनांक
Customer's Ref. No.

पंजीक सं एवं दिनांक
Register No & Date

परीक्षण सामग्री का विवरण
Description of Test Item

परीक्षण सामग्री का पहचान
Identification of Test Item

D.No.326/2020

Date: 05/11/2020

00298/NTH(ER)/CH(M)/08/12/2020

01 No. of Sari Sample.

Sample coded as C.C.No.54/2011.

Certify true copy

BP
08/05/24

नमूना का विनिर्देश (यदि हों)
Product Specification (If any)

Nil.

प्राप्ति की तिथि
Date of Receipt of the Test Item

16/11/2020

कार्य सम्पादन की तिथि
Date(s) of Performance of Tests

From: 08/12/2020

To: 11/12/2020

On the lines of IS 9925:1981.

व्यावहृत प्रणाली का पहचान
Method(s) used for Test

NA

नमूना प्रक्रिया जहाँ प्रासंगिक हों
Sampling Procedure where relevant

Tested By

Saha

Amrita Saha

SO (Chemical)

Checked By

-sd-

Dr. Anath Bandhu Mondal

Scientist- C (Chemical)

Approved By

-sd-

Dr. S. N. Bandyopadhyay

Scientist- C (Chemical)



भारत सरकार
Government of India

राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र)
National Test House (Eastern Region)

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Test Certificate No

NTH(ER)/CH(M)/2020/00298A

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Date of Issue
14/12/2020

परीक्षण प्रमाण पत्र
TEST CERTIFICATE

कोड नं
Code No
1605512060451

INTERIM/FINAL REPORT

पृष्ठ
Page
2

पृष्ठों की संख्या
No of Pages
2

Sl. No.	Test Name	Test Result	Limit
1	Silver (as Ag) content, % by mass	41.82	
	Gold (as Au) content, % by mass	0.46	

टिप्पणी
Note

Uncertainty for Gold: (+/-)0.02 at 90% confidence level.
:
: Nil

टिप्पणी
Remarks

Certify true copy

BP
08/05/24

बुद्ध प्रकाश / Buddh Prakash

रासायनिक (रसायन) / Scientist (Chemical)

भारत सरकार / Government of India

राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र) / NATIONAL TEST HOUSE (ER)

उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण विभाग
Ministry of Consumer Affairs, Food and Public Distribution

उपभोक्ता मामले विभाग / Department of Consumer Affairs

ब्लॉक सी, कोलकाता-91 / Salt Lake, Kolkata-91



भारत सरकार
Government of India

राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र)
National Test House (Eastern Region)

ब्लॉक - सी पी, सेक्टर - 5, साल्ट लेक सिटी, कोलकाता - 700 091
Block-CP, Sector-V, Salt Lake City, Kolkata - 700 091

FORM NO : NTH/SL/F/5



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TEST CERTIFICATE

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Test Certificate No
NTH(ER)/CH(M)/2020/002988

जारी होने की तिथि
Date of Issue
14/12/2020

कोड नं
Code No
1605512060451

पृष्ठ
Page
1

पृष्ठों की संख्या
No of Pages
2

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Complex, INA, New Delhi-110023

ग्राहक का संदर्भ सं एवं दिनांक
Customer's Ref. No.

D.No.326/2020

Date: 05/11/2020

रजिस्ट्रार सं एवं दिनांक
Register No & Date

00298/NTH(ER)/CH(M)/08/12/2020

परीक्षण सामग्री का विवरण
Description of Test Item

01 No. of Sari Sample.

परीक्षण सामग्री का पहचान
Identification of Test Item

Sample coded as C.C.No. 55/2011.

Certify true Copy

BP
08/05/24

नमूना का विशिष्टि (यदि हों)
Product Specification (If any)

Nil.

नमूना प्राप्ति की तिथि
Date of Receipt of the Test Item

16/11/2020

कार्य सम्पादन की तिथि
Date(s) of Performance of Tests

From: 08/12/2020 To: 11/12/2020

व्यावहृत प्रणाली का पहचान
Method(s) used for Test

On the lines of IS 9925:1981.

नमूना प्रक्रिया जहाँ प्रासंगिक हों

NA

Sampling Procedure where relevant

Tested By

Amrita Saha
SO (Chemical)

Checked By

Dr. Anath Bandhu Mondal
Scientist- C (Chemical)

Approved By

Dr. S. N. Bandyopadhyay
Scientist- C (Chemical)

बुद्ध प्रकाश / Buddh Prakash
राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र) / NATIONAL TEST HOUSE (ER)
उत्प्रेषण विभाग, खाद्य एवं सार्वजनिक वितरण विभाग
Ministry of Consumer Affairs, Food and Public Distribution
उत्प्रेषण विभाग / Department of Consumer Affairs
साल्ट लेक, कोलकाता-91 / Salt Lake, Kolkata-91



भारत सरकार
Government of India
राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र)
National Test House (Eastern Region)

ब्लॉक - सी पी, सेक्टर - 5, साल्ट लेक सिटी, कोलकाता - 700 091
Block-CP, Sector-V, Salt Lake City, Kolkata - 700 091



परीक्षण प्रमाण पत्र

TEST CERTIFICATE

INTERIM/FINAL REPORT

Number of Copies issued Single

परीक्षण प्रमाण पत्र सं

Test Certificate No

TH(ERY)/CH(M)/2020/00298B

जारी होने की तिथि

Date of Issue

14/12/2020

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पृष्ठ

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पृष्ठों की संख्या

No of Pages

2

Sl. No.	Test Name	Test Result	Limit
1	Silver (as Ag) content, % by mass	38.12	-
2	Gold (as Au) content, % by mass	0.46	-

टिप्पणी
Note

Uncertainty for Gold: (+/-)0.02 at 90% confidence level.

: Nil

टिप्पणी
Remarks

Certify true copy

BP
08/05/24

बुद्ध प्रकाश / Buddhi Prakash
रासायनिक (रासायनिक) / Scientist-C (Chemical)
भारत सरकार / Government of India
राष्ट्रीय परीक्षण शाला (पूर्वी क्षेत्र) / NATIONAL TEST HOUSE (E)
उपभोक्ता मामले, खाद्य एवं सार्वजनिक वितरण विभाग
Ministry of Consumer Affairs, Food and Public Distribution
उपभोक्ता मामले विभाग / Department of Consumer Affairs
ब्लॉक सी, कोलकाता-91 / Salt Lake, Kolkata-91

Tested By

Saha

Amrita Saha

SO (Chemical)

Checked By

Sol

Dr. Anath Bandhu Mondal

Scientist- C (Chemical)

Approved By

Sol

Dr. S. N. Bandyopadhyay

Scientist- C (Chemical)

Feedback by customer

Name of the Regional Branch:

Purpose of service: Testing/Calibration/ Consultancy/ Purchase related or any other
(Pl tick appropriate area)

Service availed in the field of operations: Civil/ Mechanical/ NDT/ RPPT/Electrical/Chemical/ Admin
(Pl tick appropriate area)

Reference to the service provided:

Sr. No	Period of reference	Performance Rating				
		Excellent	Very Good	Good	Average	Poor
01	Standard of Communication/ correspondence					
02	Courtesy extended by Admn. Staff					
03	Quality of Service					
04	Compliance with prescribed time limit.					
05	Professional attitude of Scientific Staff					
06	Maintenance of Confidentiality					
07	Overall Staff Attitude					
08	Reliability of results					

Comments/Suggestion for improving the quality of service:

Customer details:

Name:

Designation:

Organization:

Address:

Phone no.

Mail id:

Signature of the Customer
/authorized person of organization

Date:

Review of Quality Manger:

Name of Laboratory		NATIONAL TEST HOUSE		Page 1 of 1	
Format No.		NTH/HQ/FR/QM/FR/10		Title of format	Feedback by customer
Issue No.	Issue date:	Amend No.	Amend Date:	Issued by	Approved by
1	24-4-2023	00	00		

15. At this juncture it would be appropriate to refer to the fact that the contention of the Respondent that the same saree had not been sent for testing cannot be countenanced at this stage. The saree had been sent on the directions of this Commission and under the supervision of the District Commission. The sarees were in the custody of the District Commission as recorded in the Order dated 10.07.2019 extracted above. We have already indicated in the Order dated 19.02.2026 that in the present case the condition of silver was far below the standard fixed. We had also noted in Paragraph No. – 7 of the said Order about the low content of gold as well. The contention raised on behalf of the Respondent to the report on the ground that the same saree had not been sent is not substantiated by any relevant material except for bald assertions made by the Respondent.
16. However both these matters are Revision Petitions where findings of fact cannot be appreciated afresh to the extent of delving into the allegations and counter allegations and the veracity of the averments but the fact remains that the State Commission without getting any test conducted at its level had simply discarded the report appreciated by the District Commission on the ground that the procedure under Section 13(1)(c) of the Consumer Protection Act, 1986 had not been followed.
17. This Commission has undertaken the task and the test report from the National Test House has arrived as noted above.

18. We therefore find that this evidence deserves to be considered by the State Commission for appreciation in the light of the contentions raised by the parties as also the contents of the test reports that had been relied upon by the District Commission. This assessment of fact is not required to be done in the revisional jurisdiction of this Commission but we find that a material irregularity has occurred on account of the correct procedure under Section 13(1)(c) having not been followed by the State Commission. As noted above, the report has already arrived and we have extracted it herein above.
19. We accordingly set aside the Order of the State Commission dated 10.07.2014 for consideration of the matter afresh by the State Commission in the light of the report of the National Test House and the objection taken to it by the Respondents. Both the Revision Petitions are therefore allowed and the matters are remanded back to the State Consumer Disputes Redressal Commission, Tamil Nadu.
20. The office is directed to dispatch the report of the National Test House, Kolkata dated 08.05.2024 to the State Commission that is part of Volume II of the compilation after retaining a photocopy of the same on record. The State Commission shall take the said report on record and permit the Respondent to file their objections to the same, if any and an opportunity to the Petitioners also to respond accordingly.

21. Both the Appeals that have given rise to these Petitions, namely, First Appeal No. 437 of 2012 and 438 of 2012 shall stand restored before the State Commission for being decided in the light of the observations made herein above. Since both the Parties are represented by their learned Counsel before us they shall appear before the State Commission on 15.10.2026 and the State Commission shall be at liberty to proceed to decide the matter as expeditiously as possible in the light of the observations above.

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(A. P. SAHI, J)
PRESIDENT

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(BHARATKUMAR PANDYA)
MEMBER

Mss/VM/C-1/Reserved