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DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION-II
Udyog Sadan, C-22 & 23, Qutub Institutional Area
(Behind Qutub Hotel), New Delhi- 110016

Case No.304/2025

Pradeep Kumar Chhabra

S/o Sh. Som Datt Chhabra

R/o C-4/80, Safdarjung Development Area,
New Delhi-110016

....Complainant

Versus

1. Kia India Pvt Ltd.Registered Office: NH-44, Sy. No.151-2, Erramanchi,
Penukonda Mandal, Anantapur, Andhra Pradesh-515164

Head Office:

Two Horizon Centre, DLF Phase 5,
Gurugram-122002**2. Allied Motors Ltd. (Authorised Kia Dealer)**

5, Scindia House, Connaught Place, New Delhi-110001

....Opposite Party

Date of Institution : 24.10.2025

Date of Order : 06.10.2026

Coram:**Ms. Monika A Srivastava, President****Ms. Kiran Kaushal, Member**

Present: Complainant in person

Adv. Vijay Shankar and Adv. Sarthak Miglani for OP-1.

Adv. Bharat Kumar for OP-2.

ORDER**President: Ms. Monika A Srivastava**

1. Complainant has filed the present complaint seeking refund of the vehicle of Rs.22,22,538/- along with registration charge @5% p.a from 24.04.2025; compensation of Rs.20,00,000/- for causing safety risk, mental agony and harassment and litigation cost of Rs.50,000/-.



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2. It is stated by the complainant that he is an engineer from Delhi College of Engineering passed out in 1976. It is stated that he has been driving four wheelers since 1974 and has driven approximately 24 lakhs kilometers across the country without facing any defect in any past vehicles which including Ambassador, Fiat, Maruti, Tata Indica, Honda City, Chevrolet and BMW X1.
4. It is stated that he purchased Kia Seltos GTX Plus in April, 2025 and in six months since purchase, complainant has driven 1200 kms but there is a defect of windshield glare and dashboard reflections which have persisted throughout. It is stated that car exhibits a serious manufacturing defect i.e strong dashboard reflections and windshield glare, obstructing visibility in both day and night.
5. It is stated that effect is of such of nature that it makes the car unsafe, posing a continuous risk of accident and frustrates the very purpose of the purchase.
6. It is stated that the complainant reported the defect to the OPs, OP-1 being Kia India Pvt Ltd. and OP-2 is Allied Motors Ltd (Authorized Dealer of Kia). It is stated that the OP-1 dismissed it as a '*normal phenomena*' and refused any corrective action. It is stated by the complainant that car suffers from Manufacturing Defect as defined under Section 2(11) of CPA, 2019 and that OP has been deficient in its services and Unfair Trade Practice as defined under Section 2(9) and under 2(47) of CPA, 2019 respectively.
7. It is further stated that since OP-1 has already admitted that reflections are normal occurrence a live demonstration would not be essential as the manufacturer itself has conceded that the defect exists across its cars.
8. Complainant has further stated that defect is not a matter of minor inconvenience but of grave road safety. It is stated that driving such a car endangers not only the complainant but also the passengers travelling in the car, fellow motorists, pedestrians and other vehicles on the road. It is stated that obstructed visibility increases the constant risk of collision, mishaps and accidents leading to injuries or fatalities. It is therefore a defect of the



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most serious nature striking at the root of consumer safety and public welfare.

9. In their reply, OP-1 has stated that it is renowned manufacturer of various types of passenger vehicles and is globally acclaimed for its class and quality. It is stated that there is robust network of 339 touch points and has over two lakhs connected cars on the road.
10. It is stated that the vehicle manufactured by OP passed stringent quality checks and road trials before actual commencement of their commercial production. It is stated that these manufacturing vehicles are marketed by OP only after being approved and certified by ARAI (Automotive Research Association of India). It is stated that the vehicles undergo thorough inspection for control systems, quality checks and test drives before passing through factory works for dispatch to the authorized dealers.
11. It is stated that OP-2 is the authorized dealer of OP-1 and that the relationship between the authorized dealer and OP-1 is on a *Principal-to-Principal* basis (P to P). It is stated that dealers are solely responsible for their own actions related to sales, service and other ancillary claims.
12. It is further stated that the complaint is devoid of any expert report, technical opinion or certified findings as mandated under Section 38 (2) (c) of CPA, 2019 for establishing any inherent defect in the product. In the absence of such mandatory proof, no relief can be granted against manufacturer.
13. It is denied by OP that the vehicle suffers from any defect or that there has been any deficiency of service or unfair trade practice attributable to the OP. It is stated that the vehicle passes all pre-dispatch inspections and stringent quality control checks before leaving manufacturing facility.
14. It is further stated that complaint is vexatious, speculative, lacks bonafide intent having been filed despite repeated inspections, explanations and joint evaluations confirming absence of any defect. It is stated that the complaint ought to be dismissed as the complainant has failed to establish any casual nexus between the alleged dashboard reflection and any actual or eminent



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safety hazard. No accident, near-miss, warning issued by any authority or violation of safety norms has been pleaded or proved. Mere apprehension or speculative fear without empirical data or expert substantiation, does not constitute a legally actionable safety defect under the Consumer Protection Act, 2019.

15. It is stated that the foundation of the complaint rests on the complainant's subjective perception of glare and reflections which varies from individual to individual and is influenced by multiple strenuous factors such as lighting conditions, driving posture, angle or vision, environmental conditions and personal sensitivity.
16. It is stated that the consumer law does not recognize subjective discomfort or individual perception as a defect unless it demonstrably impairs the core functionality, safety or statutory compliance of the products.
17. It is stated that complaint does not establish any manufacturing defect within the meaning of Section 2(11) of the CPA, 2019 either in pleadings or proof. It is stated that complainant has not identified any fault in the design, material, workmanship, assembly process, or quality control mechanism of the subject vehicle. It is stated that the allegations pertain to perceived windshield glare and dashboard reflection which are inherently variable optical phenomena influenced by external and users-specific factors such as lighting conditions, angle of sun light, sitting position, cleanliness of glass surfaces and individual visual perception. It is contended that such subjective experiences cannot be equated with defects in manufacture.
18. OP has relied on the judgment passed by the Hon'ble NCDRC in *Mercedes Benz India Pvt Ltd Vs Revathi Giri*, FA No.766 of 2021, *Krishanpal Singh Vs Tata Motors Limited*, 2014 SCC Online NCDRC 172, *Raj Bala Vs Managing Director Skoda Auto India Pvt Ltd.*, 2013, SCC Online NCDRC 945, *Maruti Udyog Pvt Ltd Vs Hasmukh Lakshmichand*, RP No.827/2004, *Classic Automobiles Vs Lila Nand Mishra and Another*, 2013 SCC Online NCDRC 866 and *Baljeet Kaur Vs Divine Motors*, 2017 SCC Online NCDRC 212.



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19. It is stated that the complainant has projected himself as a highly experienced driver and technically qualified individual but has failed to produce any independent expert report, laboratory analysis or opinion from a certified automobile engineer or statutory testing authority to substantiate the grave allegation of a manufacturing defect. It is stated that the reliance placed by the complainant on photographs annexed to the complaint is misplaced as such photographs merely depict a transient visual conditions captured at an isolated point of time and do not establish causation, origin of the alleged defect, or any deviation from prescribed manufacturing or safety standard.
20. It is further stated that photographic images in the absence of calibration, control testing, comparative benchmarks or expert interpretation, lack probative value and do not satisfy the evidentiary threshold required to prove defect in a sophisticated automobile.
21. It is further stated that glare and reflections are universally recognized optical phenomena governed by multitude of external, dynamic, and user-specific variables, including but not limited to the angle and intensity of sunlight, curvature and cleanliness of the windshield, geometry and surface finish of the dashboard, presence or absence of protective films or accessories, driver seating position and height, and individual visual acuity and sensitivity. It is stated that these factors are variable and beyond the control of the manufacturer.
22. It is further stated that complainant has not produced any single contemporaneous documents, email, letter, complaint, job card, service record, warranty rejection note, internal correspondence, to demonstrate that the OP-1 refused to render assistance or inspect the vehicle, decline service, or repudiated any obligations arising under warranty. It is stated that in the absence of such evidence the allegations leveled against the OP-1 remains uncorroborated, unsubstantiated and incapable of forming the basis of an adverse finding.
23. It is stated that OP has time and again been utmost responsive in addressing any grievance raised by the complainant vide emails or otherwise



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and the same is evident from the email communications appended by the complainant himself with his own complaint.

24. It is further stated that vide email dated 05.06.2025, OP-2 communicated to the complainant that there is no abnormality in the subject vehicle and any reflection was a completely normal optical phenomenon and hence closed the complaint internally upon the Complainant's approval. Copy of the email dated 05.05.2025 is annexed as Annexure OP-1/3.

25. It is stated that since the complainant was not satisfied and had raised various grievances not only to OP-1 but also to government authorities such as Ministry of Road Transport & Highways (MoRTH) and Bureau of Indian Standards (BIS). It is stated that OP-1 even arranged for an extensive joint inspection and re-examination of the subject vehicle on 08.12.2025 which was attended by the After Sales (Team of HOT), Quality Assurance (OP-1's Plant Team), Technical Manager (OP-1's North Region), Vendor Representative (Quality Team of Saint Gobain), Area Manager (of OP-1's North Region).

Copy of the email dated 05.12.2025 intimating the complainant about the re-examination is Annexure OP-1/4.

26. It is stated that the joint inspection & re-examination was duly conducted on 08.12.2025 and it was again concluded that the subject vehicle has no abnormality and no abnormal dashboard reflection was observed during driving test of the subject vehicle, which was duly communicated to the complainant vide email dated 09.12.2025. Copy of the said email is Annexure OP-1/5.

27. It is further stated that though the complainant has alleged unfair trade practice against the OP however, the complainant has neither pleaded the elements of such conduct nor substantiated the same. It is stated that mere grievance or dissatisfaction with the condition of the Vehicle does not constitute unfair trade practice unless connected to a willful or misleading act attributable to manufacturer. It is stated that in view of these facts there is no deficiency in service or unfair trade practice on the part of OP.



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8. It is reiterated that the subject vehicle model has been manufactured strictly in compliance with all applicable statutory requirements and has undergone mandatory testing, inspection, and homologation by competent authorities prior to being approved for commercial sale. It is stated that the windshield installed in the subject vehicle is IS 2553 compliant. It is stated that no vehicle is permitted to be manufactured, marketed or sold without securing the requisite regulatory clearances and the existence of such approvals conclusively demonstrates conformity with prescribed safety, quality and performance standards. In the absence of any adverse finding by a regulatory or statutory authority declaring the vehicle unsafe or defective, the allegations raised by the complainant are legally unsustainable.
29. It is stated that a manufacturer cannot be held liable merely because one consumer perceives a common characteristic as inconvenient or undesirable, when the product as a whole is accepted by the market and has passed all statutory clearance. OP has relied on the judgments passed by the Hon'ble Supreme Court in *Ludhiana Improvement Trust Vs Coop. House Building Society Ltd.*, (2009) 12 SCC 369.
30. It is further stated by the OP that in the reaction of the OP in describing the reflection as a 'normal phenomenon', the response does not constitute any admission of defect but merely conveys that such optical effects are universally recognized characteristics influenced by various factors.
31. It is reiterated that a single consumer's dissatisfaction unsupported by expert proof cannot render a mass produced vehicle defective in law. OP has placed reliance on the judgment passed by Hon'ble J&K High Court in *Savvy Fashion Pvt. Ltd. Vs Hyundai Motor Ltd.*, AIR 2016 J&K 73 and Hon'ble Supreme Court in *Dalip Singh Vs State of U.P* (2010) 2 SCC 114.
32. In his rejoinder, complainant has stated that OP's admission in RTI, responses from statutory regulators, published literature from experts, it is established that there is design-induced safety defect. It is stated that unlike a manufacturing defect, which is a sporadic error in a single unit, a design defect is a systemic failure of the blueprint impacting the entire model line. It is stated that reliance of the OP on the case laws regarding manufacturing



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defect and expert's lab report are irrelevant as the flaw lies in the engineered geometry of the dashboard-windshield system and not a fault assembly process.

33. Complainant has stated that the relevant operative extracts from automobile authorities. Complainant has placed on record extracts on (*Design Defect & Unsafe Product Doctrine*) from automobile industries which are annexed as Annexure-1 along with the rejoinder. Complainant refers to 'a defect in a product is not confined to manufacturing flaws alone. A product may be rendered unsafe by its design, even if manufactured correctly and in conformity with prescribed standards.'

'The test of defect is whether the product exposes the consumer to a danger not reasonably expected during normal use, and not merely whether it satisfies technical specifications' etc.

34. It is stated that OP had admitted that the reflection seen is a direct result of 'dashboard geometry, windshield inclination, and material textures.' It is stated that OP has confessed to a high-ranking design defect and had confirmed that vehicle was manufactured exactly as intended, but the design itself creates a hazardous visual obstruction.

35. It is stated that as per the ARAI homologation process includes zero testing for dashboard reflectance or visibility impairment due to internal reflections. It is stated that they do not have any method for evaluating dashboard-windshield reflective behavior in real conditions.

36. It is stated that as per the SAE JOURNAL '*SAFE ON PAPER, UNSAFE ON THE ROAD*' Component Centric Certification fails to address perceptual safety risk. It is stated that when a compliant dashboard interacts with a compliant windshield, it creates a 'Ghost Image' that masks external objects – design failure. This extract is Annexure-3.

37. It is reiterated by the complainant that homologation does not evaluate dashboard glare, optical reflections or perceptual visibility. Compliance with standards that do not test the hazard in question offers no defence.

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38. Complainant has stated that the reliance of OP on *Mercedes Benz Vs Revathi Giri* is not correct as the issue involved was mechanical engine requiring scientific evaluation. It is reiterated by the complainant that OP admits that the phenomenon exists though, it is stated to be 'normal'. It is stated that the burden is on the OP to prove that such a reflection does not violate safety standards.
39. It is further stated that the arguments of OP that self-assessment cannot substitute for expert report is an attempt to create unnecessary evidentiary hurdle as there is no requirement for a laboratory analysis for a reflection clearly visible to any occupant of the car. Complainant basis his reliance on the Journal of Society of Automotive Engineers dated December, 2025. Complainant has stated the inspection conducted by OP and Saint Gobain lacks independent credibility and cannot override consumers' safety concerns.
40. It is further stated that the safety of an individual consumer cannot be sacrificed on the altar of 'market popularity'. Complainant has further stated that the reliance of OP on *Savy Fashion Vs HMIL*, Dilip Singh judgment is misplaced.
41. It is stated by the complainant that he is a senior citizen and an engineer of unimpeachable integrity and not litigating for profit. Complainant has placed reliance on the judgment passed in *HMIL Vs Shailender Bhatnagar*, Supreme Court 2018, *Tata Motors Limited Vs Antonio Paulo Vaz*, Supreme Court, (2019) 11 SCC 346, *General Motors Vs India Pvt Ltd Vs Ashok Ramnik Lal Tolat* (2015) 1 SCC 429, *Maruti Suzuki India Pvt Ltd Vs Rekha Jain* (2019) NCDRC 495, *Skoda Auto Pvt Ltd Vs P Raghunath* (2020) CPJ 93 (NC).
42. Complainant has placed on record an RTI reply received from BIS in which it is stated IS2553 (Part-2) 2019 Standards Specified Light Transmission Value and Transmission Optical Distortion requirement of laminated windshield as mounted in vehicle condition. Reflection control of laminated windshield is not specified in IS2553 (Part-2); 2019 and not a requirement in any international safety standards of automotive glazing standard either.



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43. Complainant has also placed on record the response received from ARAI under RTI. It is noticed that the SAE India Zonal of October-2025 placed on record by the complainant is written by himself. Both the complainant as well as OP have filed their respective evidence affidavit as well as written arguments.
44. An application was filed by OP after the rejoinder was filed by the complainant seeking leave to file additional evidence which are primarily email between, MoRTH, copy of joint inspection and re-examination report and copy of BIS endorsement. Complainant filed a reply to the same. The application was allowed and the documents were taken on record.
45. OP has placed reliance on email between OP and MoRTH wherein, it was clarified that a meeting was organized by BIS with Kia and other OEMs and it was concluded that the phenomenon is normal. Compliance certificate was shared by Kia to BIS. Complainant escalated the complaint to MoRTH in December, 2025 pursuant to which the vehicle was inspected thoroughly by Kia along with Saint Gobain and TAFE on 08.12.2025 which concluded normal phenomena. OP has also placed on record observations by MoRTH after the vehicle was inspected wherein it was stated no abnormal reflection was observed during driving. Minor reflection observed is normal and does not affect driving visibility.

This Commission has gone through an article published by the University of Michigan on 01.11.2003 titled 'Daytime Veiling Luminance from Windshield; effects of scattering and reflection' which is published by M.L Mefford, M. Flannagan, Go Adachi"

During daytime driving, light i.e scattered or reflected from the windshield towards the eyes of a driver creates a veiling luminance that driver must look through in order to see the roadway ahead.....

Under the conditions examined here, reflection causes the majority of veiling luminance although the contribution from scattered is not negligible. Measures that would reduce reflected luminance such as glass treatment that reduce



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reflection from the glass surfaces and no reflectance dashboard materials, thus would potential offer substantial benefits.

It is further seen that windshield glare is not uncommon and that there was a class action settlement in 2016 by Porsche after a litigation for dashboard glare *Chain Vs Porsche* and *John Vs Porsche* where though Porsche denied the vehicle dashboard to be defective yet to avoid expense etc. entered into a settlement with a class in a class action for windshield glare.

Another class action by *Roy Jones and Alyce Vs Porsche* which was filed for windshield glare. It was contended that Porsche had knowledge of the windshield glare problem but had actively concealed the same from the Class numbers which was filed in the United States District Court, Central District of California.

Complainant as well as the team which inspected the car did notice the glare but only termed it as natural phenomenon which as per the complainant is disturbing while driving and could be a cause for potential accident.

It is further seen that Kia i.e OP herein sells dash mat which Kia introduces as '*Kia Genuine dash mat reduces windscreen glare and interior heat absorption...*'. This dash mat costs \$151 which is sold by OP in some countries.



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OP has contended that for constituting unfair trade practice it should be connected to a willful or misleading act attributable to manufacturer.

This Commission holds OP guilty of unfair of trade practice since it terms the phenomena relating to windshield glare in the present case as 'natural' but is selling a product on its website to provide the cure for it.

This act of the OP is also discriminatory as the product is available to be sold in some countries and is not made available for their consumers in India.

In view of the RTI reply by BIS that *Reflection control of laminated windshield is not specified in IS2553 (Part-2); 2019 and not a requirement in any international safety standards of automotive glazing standard either, this Commission cannot give any finding on the design of the car or glaze in the car.*

OP is directed to pay a sum of Rs. 5,00,000/- as compensation for the harassment/ inconvenience caused to the complainant. This sum is payable by the OP to the complainant within three months from the date of passing



of the order failing which the OP shall be liable to pay interest @ 6% p.a from the date of filing of the complaint till realization.

Copy of the order be provided to the parties as per rules. File be consigned to record room. Order be uploaded on the website.

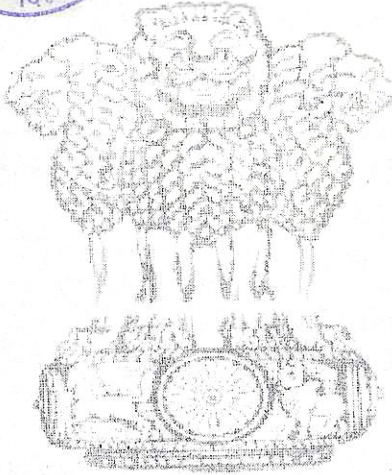

(Kiran Kaushal)
Member


(Monika A Srivastava)
President



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