

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI

FIRST APPEAL NO. 830 OF 2019

(Against the Order dated 27/03/2019 in Complaint No. 708/2017 of the State Commission
Chandigarh)

1. MERCEDES- BENZ INDIA PRIVATE LIMITED
E-3 MIDC CHAKAN PHASE-III, CHANKAN
INDUSTIRAL AREA KURULI & NIGHOJE TALUKA
KHED
PUNE 410 501

.....Appellant(s)

Versus

1. PRINCE BANSAL & 2 ORS.
FLAT NO 1361, PROGRESSIVE ENCLAVE SECTOR
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CHANDIGARH
2. JOSHI AUTO ZONE PVT LTD
84-85 INDUSTRIAL AREA PHASE II,
CHANDIGARH
3. DAIMLER AG
70546 STUTTGART
GERMANY

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE V.K. JAIN, PRESIDING MEMBER

For the Appellant : Mr. Dhruv Wahi, Advocate with
Ms. Aparna Iyer, Advocate

For the Respondent :

Dated : 30 May 2019

ORDER

JUSTICE V.K.JAIN, PRESIDING MEMBER (ORAL)

The complainant/respondent no.1 purchased a Mercedes CDI-220 car manufactured by the appellant, from its dealer M/s Joshi Auto Zone Pvt. Ltd., for a consideration of Rs.37 lacs, on 17.09.2015. The case of the complainant is that within a few days of its purchase, the car started creating noise when it had run only 1424 kms. The vehicle was inspected by the dealer and shockers were replaced. The car was again taken to the workshop on 25.11.2015, on noticing sounds coming from its doors and some adjustments were done. The sunroof of the car was also adjusted when noise from the cabin was noticed. There was also a cut found on the front tyre which was replaced on 24.12.2015 when the car had run 4140 kms. Again, there was noise from

the cabin of the vehicle and the sunroof had to be adjusted again. The vehicle again gave problem when it had run 7961 kms and seal frames of the doors as well as the sunroof were replaced. Thereafter, the doors and bidding had to be adjusted on 16.03.2016 when the vehicle had run 7971 kms.

2. Faced with persistent problems with the car, the complainant got the same inspected from Grace Automotives who gave an inspection report dated 23.04.2016 opining that there seemed to be an inherent manufacturing defect in the vehicle which the manufacturer was unable to locate and rectify. Being aggrieved, the complainant approached the concerned District Forum by way of a consumer complaint seeking replacement of the car or in the alternative, refund of the amount he had paid for the purchase of the car alongwith compensation etc.

3. The complaint was resisted by the appellant which admitted that the vehicle carried a warranty of three years from the date of registration/sale. The case of the appellant was that during the warranty period, its liability was limited to repair/replacement of the defective parts which it had done as and when reported by the complainant.

4. The State Commission, vide impugned order dated 27.03.2019, directed the complainant to pay a sum of Rs.2 lacs as compensation to the complainant alongwith cost of litigation quantified at Rs.22,000/-. Though no replacement of the vehicle or refund of the sale consideration was directed, the appellant is not satisfied and is before this Commission by way of this appeal.

5. The State Commission vide its order dated 13.07.2018, requested the Principal/Director of Punjab Engineering College to constitute a team of experts to check the vehicle and submit a report. This was done considering the conflicting expert reports submitted by the parties to the State Commission. The expert Committee consisting of Prof. Sushant Samir, Prof. Gopal Dass and Prof. Ankit Yadav of Punjab Engineering College submitted a report which, to the extent it is relevant, reads as under:

“The vehicle having registration no. CH01BE7575, Chassis No.WDD2050026L003465, Engine No.65192132732459 was presented for inspection and test drive. The vehicle in question was inspected and test driven for 34 kms.

During test drive the committee noticed that there was a creaking noise of small intensity emanating from the rear door of the vehicle in question. No other type of sound/noise was observed inside the seating area during test drive.”

6. In my view, the State Commission was fully justified in relying upon the expert report given by none other than three Professors of Punjab Engineering College which is a deemed University. They submitted a report not only after the vehicle had been inspected but had also been test driven by them. It was noticed that the problem in the vehicle still persisted and had not been removed. In these circumstances, the grant of compensation only for Rs.2 lacs cannot be said to excessive or unreasonable by any standards considering that the vehicle in question was a Mercedes vehicle which was expected to run smoothly without giving much trouble to the owner he having spent as much as Rs.37 lacs for purchase of the vehicle, and it had been troubling the complainant right from the time it was purchased, developing one snag or the other.

Therefore, no ground for interference with the impugned order is made out. The appeal, being devoid of any merits, is hereby dismissed.

.....J
V.K. JAIN
PRESIDING MEMBER