

**DISTRICT CONSUMER DISPUTES REDRESSAL
COMMISSION, FATEHGARH SAHIB**

Consumer Complaint No.	:	CC/68/2021
Date of Institution	:	22.06.2021
Date of Decision	:	19.03.2024

Jarnail Singh son of S. Darbara Singh, Village and Post Office Dhunda,
Tehsil Bassi Pathanan, District Fatehgarh Sahib.

.....Complainant

Versus

Assistant Registrar (Examinations), Punjabi University, Rajpura Road,
Patiala.

.....Opposite Party

**Consumer Complaint under Section 35 of
the Consumer Protection Act, 2019.**

QUORUM:

Shri Sanjeev Batra, President
Ms. Shivani Bhargava, Member
Shri Manjit Singh Bhinder, Member

Present:-

For the complainant : Shri G.S. Saini, Advocate.
For the OP : Shri Vinay Sood, Advocate.

PER SANJEEV BATRA, PRESIDENT:

ORDER:

Shorn of unnecessary details, the facts of the case are that the daughter of the complainant; namely, Navjot Kaur, has passed two years course in April 2016 in Master of Science Information Technology from the Distance Education Department of the above University. She is now residing in Canada on work permit. It is averred that his daughter, Navjot Kaur required Details as per

Certificates (Transcript) from the University for applying Permanent Residency (P.R.) in Canada. The complainant applied for obtaining the said transcript from the concerned branch of the University after getting the stipulated application form for Rs.112/- and after duly filling in the same by his own hand. He also deposited with the Treasurer of the University requisite fee of Rs.21,506/-, vide Receipt Voucher No.RCPT 029277, RCPT 029278 dated 12th January 2021 and Rs.3,871/-, (totaling Rs.25,337/-). The stipulated application form along with copies of details of degrees of Navjot Kaur and after enclosing the original payment receipts was deposited in the concerned branch of Examination Department, vide Form Diary No.9222 dated 12th of January 2021. The employee who received the form told that the transcript shall be sent within a period of 7 days and also noted his mobile number on the form. Since the University was at about 70 Kilometers from his house, therefore, it was not possible for him to visit the University time and again for sending the said transcript at the earliest. Therefore, he has requested his known Dr. Beant Singh, resident of Patiala (Mobile No.94786-58073), who used to visit the concerned Branch after every 2-4 days and enquired about the transcript. Every time he used to get the reply that the payment of the Company through

which the transcript envelopes were used to be sent abroad was pending with the University and as such, the concerned Company is not taking the transcript. After waiting for a considerable time the daughter of the complainant applied her file for P.R. without the transcript from OP-University. On 22.3.2021 the complainant made an application with the OP-University for refund of the transcript fees. But after the lapse of more than three months no such refund has been received by the complainant. Alleging deficiency in service the present complaint has been filed for directing the OP-University to refund the amount of Rs.25,377/- to the complainant and to pay Rs.50,000/- on account of fine.

2. Upon notice, OP appeared and filed its reply taking preliminary objections to the effect that the transcript could not be sent in time despite the fact that it was ready for dispatch on 1.2.2021 due to the spread of Covid-19 pandemic. Even the flights were not operating and the parcels were not booked. The complaint has not been filed by competent person and the complainant has got no cause of action to file the present complaint. On merits, it is admitted that Navjot Kaur had passed Master of Science Information Technology Course through the Distance Education Department. It is also admitted that the fees amounting to

Rs.21,506/- and GST amounting to Rs.3,871/- was deposited for the transcript with the answering respondent on 12.1.2021. It is submitted that the file was ready with the transcript on 1.2.2011 and the same was entered in the dispatch register at serial No.7859. However, due to spread of Covid-19 pandemic all over the world the transcript could not be sent. Ultimately the same was sent on 1.4.2021, vide Tracking No.EP 39429866 IN. There is no provision for refund of the fees. Denying any deficiency in service on its part, a prayer for dismissal of the complaint has been made.

3. In support of his case the complainant has placed on record his own affidavit as Ex.CW1/A and the affidavit of Dr. Gurmeet Singh as Ex.CW2/A. He also placed on record documents i.e. copy of Result-cum-Detailed Marks Card of Navjot Kaur as Ex.C-1, copy of Master of Science Certificate as Ex.C-2, copy of receipt vouchers as Ex.C-3 and Ex.C-4, copy of Application Form for Transcripts as Ex.C-5, copy of letter dated 22.2.2021 written by the complainant to Punjabi University as Ex.C-6 and copy of Result-cum-Detailed Marks Card of M.Sc. as Ex.C-7.

4. On the other hand, OP has placed on record affidavit of its Registrar, Dr. Varinder Kumar Kaushik as Ex.OP1 along with documents i.e. copy of dispatch register as Ex.OP2, copy of noting

as Ex.OP3, copy of another noting dated 12.8.2021/16.8.2021 as Ex.OP-4 and copies of dispatch record as Ex.OP-5 and Ex.OP-6.

5. We have heard learned counsel for both the sides and have gone through the record of the case.

6. Admittedly, the daughter of the complainant; namely, Navjot Kaur, holder of Master of Science Information Technology degree from the OP-University required the official transcript of her certificates in order to pursue her case for Permanent Residency in Canada. For this purpose, the complainant being her father submitted an application on 12.1.2021 and paid total sum of Rs.25,671/- inclusive of fee and taxes. The complainant was assured of issuance and dispatch of transcript to the competent authorities within a period of 7 days but the same were not dispatched. Accordingly on 22.3.2021 the complainant moved an application for refund of the deposited fee. However, it is evident from the documents adduced by the OP-University that the transcript of the Certificates was prepared and was ready for dispatch on 1.2.2021 but due to spread of Covid-19 Pandemic and administrative exigencies the transcript was dispatched on 1.4.2021. It can also be transpired from the records that daughter of the complainant had applied for Permanent Residency without

waiting the transcript of the Certificates. It appears that when the complainant felt that the transcript of Certificates was no longer required for Permanent Residency of his daughter, he applied for cancellation. By that time the OP-University had already rendered the requisite service of preparing the transcript only. As such, the complainant is not entitled to the refund of the fees deposited by the complainant for transcript of certificates and same is hereby declined.

7. Admittedly, transcript of Certificates was officially prepared on 1.2.2021 beyond the promised period of 7 days and was dispatched on 1.4.2021. Therefore, there is delay of about two months in dispatching the transcript of Certificates even after preparation. The reason for delay due to spread of Covid-19 pandemic and administrative exigencies has been vaguely used by the OP-University. They were required to substantiate their contention by adducing some positive evidence with regard to suspension of overseas logistic services due to spread of Covid-19 Pandemic.

8. Definition of 'Deficiency' has been defined under Section 2(11) of the Consumer Protection Act, 2019, which reads as under:-

“Any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under

any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service and includes (a) any act of negligence or omission or commission by such person to the consumer and (b) deliberate withholding of relevant information by such person to the consumer."

Therefore it is held that there is deficiency in service on the part of OP-University in dispatching the transcript in question late for which the OP-University is held liable to compensate the complainant.

9. As sequel to above discussion, this complaint is partly allowed and the OP-University is directed to pay a sum of Rs.10,000/- as composite compensation to the complainant, within a period of 30 days from the date of receipt of certified copy of this order, failing which the same shall be paid by it along with interest at the rate of 8% per annum from today till date of actual payment. Copies of this order be sent to the parties free of cost as per Rules. File be indexed and consigned to record room.

10. The complaint could not be decided within the statutory period for want of effective quorum.

(SANJEEV BATRA)
PRESIDENT

(SHIVANI BHARGAVA)
MEMBER

(MANJIT SINGH BHINDER)
MEMBER

Pronounced on : 19.03.2024

bansal

CC 68 of 2021

Present:-

For the complainant : Shri G.S. Saini, Advocate.

For the OP : Shri Vinay Sood, Advocate.

Vide our separate detailed order of even date, this complaint is partly allowed and the OP-University is directed to pay a sum of Rs.10,000/- as composite compensation to the complainant, within a period of 30 days from the date of receipt of certified copy of this order, failing which the same shall be paid by it along with interest at the rate of 8% per annum from today till date of actual payment. Copies of this order be sent to the parties free of cost as per Rules. File be indexed and consigned to record room.

2. The complaint could not be decided within the statutory period for want of effective quorum.

**(SANJEEV BATRA)
PRESIDENT**

**(SHIVANI BHARGAVA)
MEMBER**

**(MANJIT SINGH BHINDER)
MEMBER**

Pronounced on : 19.03.2024

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