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Date of Filing : 31.01.2023  
Date of Judgment: 07.06.2024  
Duration: 16 Months 07 Days.

**DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION**  
**JALNA.**

**C.C./ 21 /2023.**

✓ Amol S/o Jaykishan Jindal ,

Age:- Major, Occu.:- Business,

R/o:-Shrikrushna Rukhmini Nagar,

New Mondha Road, Jalna,

Dist:-Jalna.

.....Complainant

**Versus**

✓ PVK Vehicles,

Plot no.2, CTS No. 11431/A-2,

Kankariya Complex Opp. Ratnaprabha Motors,

Dist:-Jalna.

.....Opponent

**Coram**

(Smt. Aparna Hemant Kate, Hon'ble President)

(Shri.Uday Dattu Dalvi, Hon'ble Member)

(Shri.Santosh Changdeo Nikule, Hon'ble Member)

**Appearance:**

For Complainant:- Adv. M. S. Dhannavat.

For Opponent:- Ex-Party

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## JUDGEMENT

Dated:-07/06/2024

(Per- Hon'ble Shri.Santosh Changdeo Nikule, Member)

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- 1). Present complaint is filed by the complainant under section 35 of the Consumer Protection Act, 2019.
- 2). The case of the complainant in short is that, the complainant is a resident of Jalna. The complainant has purchased electric two wheeler vehicle for Rs. 79,845/- (Including cost of vehicle, insurance, registration charges) on dt. 25/02/2022. The complainant has also paid Rs. 3000/- for registration of vehicle through DD. No. 009545 of HDFC bank on dt. 20/07/2022. That the opponent has assured that at the time of purchase the registration of the vehicle will be done; also the opponent had not submitted documents for registration. The complainant has issued notice to the opponent on dt. 08/12/2022 and the same was delivered to the opponent on dt. 27/12/2022. But the opponent did not replied to the said notice. Therefore being aggrieved and dissatisfied by the behavior of the opponent the complainant filed the present complaint before this commission and prayed for getting directions to the opponent to repay the amount of vehicle Rs. 79,845/- along with Rs. 1,00,000/- towards compensation in respect of mental agony, physical harassment along with Rs. 10,000/- towards cost of litigation.
- 3). Notice were issued to the opponent; the opponents address was not located therefore the notices were returned unserved. Thereafter usual proclamation was given in news paper, inspite of the paper proclamation the





opponent failed to appear before the commission therefore ex-party order came to be passed against the opponent and the matter was proceeded ex-party against the opponent,

4). Perused the complaint, arguments, documents filed by the complainant, etc. According to the contentions of the complainant following points arose for our consideration, for which the findings are as under,

Sr. No.	Issues	Findings
1.	Weather the complainant is a consumer as per section 2(7) of C P Act 2019?	In Affirmative
2.	Weather the opponent is liable for deficiency in service and unfair trade practice?	In Affirmative
3.	What Order?	As per Final Order

5). **Issue No. 1:-** The complainant has purchased electric two wheeler vehicle for Rs. 79,845/- (Including cost of vehicle, insurance, registration charges) on dt. 25/02/2022. The complainant has also paid Rs. 3000/- for registration of vehicle through DD. No. 009545 of HDFC bank on dt. 20/07/2022. Therefore the complainant is a consumer of the respondent. Hence we answer the issue no.1 as affirmative.

6). **Issue No. 2:-** The complainant had purchased the vehicle on dt. 25/02/2022, from the date of purchase the opponent has not completed the process of registration of the vehicle. Also the opponent has not informed the complainant about the registration. According to section 39 of the Motor Vehicles Act 1988 reads as follows:



**Necessity for registration:-**

**"No person shall drive any motor vehicle and no owner of a motor vehicle shall cause or permit the vehicle to be driven in any public place or in any other place unless the vehicle is registered in accordance with this chapter and the certificate of registration of the vehicle has not been suspended or cancelled and the vehicle carries a registration mark displayed in the prescribed manner".**

As per the said provision every vehicle has to be registered before it is permitted to drive in public. But in the present case the opponent has failed to register the vehicle, and without registering the vehicle it was delivered to the complainant.

From the above said observations it is evident that the opponent failed to register the vehicle which would be condition precedent while delivering the vehicle to the customer. The opponents have deliberately sat over the claim of the complainant. The Opponents had knowledge about directions of the registering authority regarding registration of the vehicle but inspite of that the opponent acted arbitrarily. This act of the opponent contributes grave negligence, injustice and deficiency in service towards complainant. Though all the required documents were already submitted to the opponents, the opponent is trying to avoid the responsibility and liability of the vehicle registration. According to the settle position of law no vehicle is allowed to be driven in public without proper registration, the responsibility of the registration is on the shoulder of the dealer. Therefore according to natural justice it would be just and proper to direct the opponents to pay the invoice amount of Rs. 79,845/- to complainant. Also it would be proper to direct the complainant to handover the vehicle to the opponent after compliance of the






order. Hence this commission holds the opponent no.1 responsible and liable for it. Hence we answer the issue no.2 as affirmative.


7). **Issue No.3:-** In view of the reasons discussed in the Issue No.1 and 2 this commission passed the following order.

**ORDER**

- 1). The complaint of the complainant is allowed.
- 2). The opponent is here by directed to pay the invoice amount of Rs. 79,845/- to complainant within 30 days from the date of this order. Else the amount will carry 10% p.a. interest till its realization.
- 3). The complainant is hereby directed to immediately handover the vehicle to the opponent after compliance of the order.
- 3). The opponent is hereby directed to pay Rs. 5,000/- towards mental agony and harassment and the cost of litigation Rs. 5,000/- to the complainant within one month from the date of this order.
- 4). Copy of order is to be provided free of cost to both the parties.

  
Santosh Changdeo Nikule  
(Hon'ble Member)

  
Uday Dattu Dalvi  
(Hon'ble Member)

  
Aparna Hemant Kate  
(Hon'ble President)

DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION, JALNA



**“प्रमाणित सत्यप्रत”**

  
प्रबंधक

जिल्हा ग्राहक तक्रार निवारण आयोग  
जालना.