

Dinesh Kumar Vs. Chauhan Gas Agency and Others.

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : May-26-2008

Judge : J.D. Kapoor, President & the Honourable Ms. Justice Rumnita Mittal, Member

Appeal No. : Appeal No. A-132 of 2005

Appellant : Dinesh Kumar

Respondent : Chauhan Gas Agency and Others.

Judgement :

J.D. Kapoor, President (Oral):

1. Appellant was having LP gas connection of the gas manufactured by the respondent No. 2 and supplied by the respondent No. 1. Though initially there was complaint of leakage of gas from the cylinder which according to the respondent No. 1 was rectified but within three days there was violent explosion in the kitchen of the appellant resulting in fire due to leakage of the gas from the pipe as a result of which several kitchen appliances and other household goods were destroyed. On account of loss suffered by him, instant complaint seeking actual expenses of Rs. 87,200 and Rs. 1 lac as compensation and Rs. 15,000 as cost of litigation was filed by the appellant.

2. Vide impugned order dated 11.2.2005 passed by the District Forum the complaint was dismissed merely on the premise that on the perusal of the entries in the complaint register of the respondent No. 1 for the month of June, 2004 show that there were three complaints with regard to change of pipe and 26 complaints with regard to the change of regulator but there was no mention of complaint of leakage lodged by the appellant or his wife.

3. However plea was raised by the respondent No. 1 that on receiving complaint that there was leakage from the old pipe, an employee of the respondent No. 1 went to the house of the appellant and cut both ends of the pipe and readjusted it. It was after three days that the violent explosion took place. We fail to understand as to what was the reason for explosion. No plea was raised by any of respondent as to cause of explosion. Prima facie due to manufacturing defect either in the cylinder or regulator or in the pipe explosion was caused.

4. However, learned Counsel for respondent No. 2 contended that it was due to defective rubber pipe that might have caused the explosion. Whatever the facts, the District Forum fell in error in dismissing the complaint merely on the ground that there was no complaint lodged by the appellant as complaint register of the respondent No. 1 did not find complaint of the appellant. It is admitted that the complaint was lodged three days before about the defective pipe which was rectified by cutting both the ends.

District Forum should have taken expert opinion as to under what circumstances explosion took place in case report of Surveyor was not helpful. We have also perused the report of the Surveyor of the respondent which was not at all taken into consideration by the District Forum nor did it touch any aspect of the report.

5. Foregoing reasons persuade us to allow the appeal, set aside the impugned order and remand the matter to the District Forum to decide it afresh on merit.

6. Parties shall appear before the District Forum on 8th July, 2008.

7. F.D.R./Bank Guarantee, if any, furnished by the appellant be returned forthwith after completion of due formalities.

8. A copy of this order as per statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to the record room.

Appeal allowed.

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