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Court : National Consumer Disputes Redressal Commission NCDRC

Decided On : Mar-21-2013

Judge : K.S. Chaudhari, Presiding Member &Amp;amp; the Honourable Dr. B.C. Gupta, Member

Appeal No. : Revision Petition No. 1947 of 2012

Appellant : Lalit Bali

Respondent : Three a Resources Pvt. Ltd. and Another

Judgement :

DR. B.C. Gupta, Member-

1. This revision petition has been filed against the order dated 20.3.2012 passed by the State Consumer Disputes Redressal Commission, UT Chandigarh (hereinafter referred to as State Commission) in First Appeal No. 295 of 2011, vide which the appeal filed by the present petitioner/complainant Lalit Bali was ordered to be dismissed and the order passed by the District Consumer Disputes Redressal Forum-I UT Chandigarh dated 18.8.2011 was upheld.

2. Brief facts of the case are that the petitioner/complainant approached the respondent-Consultancy company seeking their assistance in immigration to Canada. He deposited the necessary registration fee etc. as demanded by the respondent and as stated, also provided the requisite documents. It has been stated that the complainant further paid Rs. 50,000/- as per Demand Draft dated

09.10.2003 and also deposited Rs. 19,000/- towards fee for the High Commission of Canada. The complainant received letter of acknowledgement from the High Commission dated 29.9.2004, vide which a file number was issued to him and at the same time, it was stated that they will complete the initial screening of his application within 33 (thirty-three) months, but there was no guarantee to this effect. It has been alleged by the complainant that the respondent did not process the case of the petitioner for one year and indulged in unfair trade practice. Later on, the High Commission of Canada sent him another letter dated 15.10,2008, i.e. after about four years, asking him whether he was still interested for immigration to Canada. The complainant says that he submitted all necessary documents again on 15.01.2009, but the respondent did not send the case to the High Commission of Canada although, the time for submission of documents was extended by them from 90 to 120 days. The complainant has alleged that the respondent caused huge pecuniary loss to the complainant and also ruined his career and they were found negligent in rendering proper service to the petitioner. A complaint was then lodged under Consumer Protection Act, 1986 before the District Forum, but the District Forum vide their order dated 18.8.2011 came to the conclusion that the allegations against the opposite party were not proved and hence the complaint was dismissed. An appeal against this order was also dismissed by the State Commission vide impugned order. It is against this order that the present petition has been filed.

3. During the course of hearing, the learned counsel for the petitioner submitted that the petitioner had deposited a sum of Rs. 84,000/- with the respondent for taking up his case with the Canada High Commission for immigration to Canada but they did not render proper service to him. He further stated that the respondents were not having a valid license for handling this kind of business under Section 10 of the Emigration Act, 1983. The learned counsel assailed the impugned order by saying that the State Commission had observed in their order that the complainant did not submit the requisite documents within the prescribed time to the Canada High Commission. This observation was contrary to the finding of the District Forum, which observed that the documents had been submitted in time. The learned counsel invited our attention to the letters written by the High Commission to the complainant and also by the complainant to the High

Commission requesting for a time of fifteen days more for submitting the documents. The complainant also mentioned in his letter dated 14.1.2009 sent to the High Commission that he had got married and had given application for getting passport for his wife. In spite of all this, the case of the complainant was rejected vide letter dated 24.6.2009 of the Canada High Commission, saying that his file had been closed, because he did not provide the requisite documents within the period of 120 days.

4. Learned counsel for the respondent stated that it was very clear from the letters sent by the High Commission of Canada that the complainant had failed to provide the requisite documents in time. It was also clear from the letter dated 14.1.2009 that the complainant had got married and he wanted to submit documents for his wife as well. The learned counsel invited our attention to another letter dated 12.6.2009 written by the petitioner to the High Commission in which he has stated as follows:

œI have received your letter dated 21st May, 2009 and regret that due to unfavourable and unavoidable family circumstances and the delay in receipt of passport of spouse, the information required by your office in my case could not be submitted well in time. So a request for extension of 15 days more in 90 days time was sent to the Canadian Embassy vide my letter dated 14.1.2009 just later my case file was submitted in Canadian Embassy but was refused to receive the same as told by my guide Mr. Anil Khanna prop. Of three A Resources Pvt. Ltd., Sector-20 C, Chd. So far your letter dated 16.1.2009 is concerned, Sir this letter has not been received by me.?

5. The learned counsel has further drawn our attention to a letter written by the petitioner addressed to Shri Anil Khanna of the respondent organisation in which he has clearly admitted that he could not complete the papers in time and that is why his case was likely to be rejected. In response to this argument, the learned counsel for the petitioner stated that this document was fabricated by the respondent on a sheet of blank paper already got signed from the petitioner. However, the learned counsel admitted that this document bore the signatures of the petitioner.

6. We have examined the entire material on record and given our thoughtful consideration to the arguments advanced before us. There are concurrent findings of the District Forum as well as the State Commission that there was no deficiency in service on the part of the respondent, rather the complainant/petitioner failed to submit the documents in time. The letter sent by the Canada High Commission dated 24.6.2009 makes it very clear that the requisite documents were not filed before them within time. The letter written by the petitioner himself to the High Commission as well as to the respondent as stated above amply make it clear that the petitioner failed to submit the documents in time. It is also very clear that he had got married and wanted to get the passport of his wife before submitting all documents before the High Commission.

7. In view of this situation, we tend to agree with the findings of the District Forum as well as State Commission that the complaint is without any force and there is no deficiency of service on the part of the respondent.

8. This petition is therefore ordered to be dismissed and the orders of the State Commission and the District Forum upheld with no order as to costs.

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