

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF JANUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MR. JUSTICE UMESH M ADIGA

WRIT PETITION NO. 18563 OF 2024 (GM-CON)

C/W

WRIT PETITION NO.18692 OF 2024 (GM-CON)

IN W.P.NO.18563/2024

BETWEEN:

1. BHARATH AUTO CARS (P) LTD.,
REP. BY ITS MANAGER,
NH-66, KUNTIKANA JUNCTION,
MANGALURU,
D.K .DISTRICT-575 004.
2. BHARATH AUTO CARS (P) LTD,
REP. BY ITS MANAGER,
EXT. OUTLET,
BHARATH BEEDI COMPOUND,
NEAR ALVAS'S HOSPITAL,
MOODABIDRI, D.K.DISTRICT-574 197.

...PETITIONERS

(BY SRI.K.RAVISHANKAR, ADVOCATE)

AND:

1. MARUTHI SUZUKI INDIA LTD.,
REP. BY ITS EXECUTIVE DIRECTOR,
MR.PANJKAJ NARULA,
PALAM GURGAON ROAD,
GURGAON-122 015.

2. HENRI D'SOUZA,
S/O SIMON D'SOUZA,
R/AT NO.3-73, R.L.MANSION,
MITHABAIL POST,
PUTHIGE VILLAGE, MOODABIDRE,
MANGALURU TALUK,
D.K.DISTRICT - 574 197

...RESPONDENTS

(BY SRI.DHANANJAY V JOSHI, SENIOR COUNSEL FOR
SRI.VIKRAM UNNI RAJAGOPAL, ADVOCATE FOR R1;
SMT.ARCHANA MURTHY.P, ADVOCATE FOR
SRI.DORAI BABU S., ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO (I) ISSUE A WRIT OF CERTIORARI AND QUASH THE IMPUGNED ORDER DATED 03/06/2024 PASSED IN REVISION PETITION NO.1614/2022 PASSED BY THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION NEW DELHI (PRODUCED VIDE ANNEXURE-G) TO THE WRIT PETITION AND (II) ISSUE SUCH OTHER WRIT, ORDER OR DIRECTION AS DEEMED FIT IN THE CIRUCUMSTANCES OF THE CASE.

IN W.P.NO.18692/2024

BETWEEN:

1. BHARATH AUTO CARS (P) LTD,
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MANGALURU,
D.K .DISTRICT-575 004.
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(BY SMT. ARCHANA MURTHY.P, ADVOCATE FOR
SRI.DORAI BABU S., ADVOCATE FOR R1;
SRI.DHANANJAY V JOSHI, SENIOR COUNSEL FOR
SRI.VIKRAM UNNI RAJAGOPAL, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE
CONSTITUTION OF INDIA PRAYING TO (I) ISSUE A WRIT OF
CERTIORARI AND QUASH THE IMPUGNED ORDER DATED
03/06/2024 PASSED IN REVISION PETITION NO.1529/2022
PASSED BY THE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION NEW DELHI (PRODUCED VIDE ANNEXURE-G) TO
THE WRIT PETITION AND (II) ISSUE SUCH OTHER WRIT,
ORDER OR DIRECTION.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 12.09.2025, COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY, **JAYANT BANERJI J.**, MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MR. JUSTICE UMESH M ADIGA

CAV ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

The Writ Petition No.18563/2024 is filed seeking to quash the order dated 03.06.2024 passed by the National Consumer Disputes Redressal Commission, New Delhi¹ in Revision Petition No.1614/2022. The Writ Petition No.18692/2024 is filed seeking to quash the order dated 03.06.2024 passed by the NCDRC in Revision Petition No.1529/2022.

2. The petitioners are authorized dealers of Maruti Suzuki India Limited².

3. The private respondent had purchased a Maruti Celerio VDI Car bearing Registration No.KA.19.MF.7715 from the outlet of the petitioners-Company. A complaint was filed by the private respondent before the District Consumer

¹ NCDRC

² Maruti

Redressal Commission³, Mangaluru, D.K. District bearing Consumer Complaint No.235/2016, alleging that from the first day of purchase of the vehicle, the complainant noticed uneven rough sound in the engine which was informed to the petitioners-Company, but it had failed to detect the same.

4. The vehicle was purchased on 11.11.2015. It was alleged in the complaint, that on 24.04.2016 when the 2nd respondent tried to start the vehicle unsuccessfully, he called the petitioners for assistance. The mechanics were sent, who could not discover the fault and the same was towed to the workshop. The allegation in the complaint was that the vehicle was handled roughly which caused further damage and the vehicle did not start. The complainant was not informed of the exact fault in the vehicle and a job card was issued with an estimated cost of Rs.25,000/- and labour charge of Rs.10,000/-. The case was that despite the vehicle being under warranty, the estimated cost of repair of the vehicle was submitted and the complainant was insisted upon to sign the job card. Subsequent unilateral alteration in the job card by the petitioners was also alleged. It was stated that in the job

³ District Commission

card it was mentioned later that the engine oil was mixed with water.

5. Petitioners denied the allegations made by the complainant before the District Commission and the stand taken was that the complaint was not covered under the terms of the warranty. All relevant documents were filed by the petitioners.

6. The District Commission by an order dated 02.01.2019 directed the petitioners and Maruti to jointly and severally pay a sum of Rs.6,29,669/- with interest at the rate of 8% per annum from the date of complaint till payment, a further sum of Rs.20,000/- as compensation and another sum of Rs.10,000/- towards the cost of complaint.

7. The petitioners filed an Appeal No.176/2019 before the State Commission against the order aforesaid of the District Commission. Maruti filed a separate Appeal No.309/2019 before the State Commission. The State Commission by its common order dated 31.05.2022 dismissed both the appeals confirmed the order dated 02.01.2019 passed by the District Commission.

8. Aggrieved by the order of the State Commission, the petitioners filed a Revision Petition before the NCDRC bearing Revision No.1529/2022 and Maruti filed a Revision Petition No.1614/2022.

9. By a common order dated 03.06.2024, the NCDRC allowed the Revision Petition No.1614/2022 filed by Maruti and exonerated it from the liability of payment of compensation and modified the order of the District Commission in Revision Petition No.1529/2022 holding that the two petitioners are jointly and severally responsible for the payment as ordered by the District Commission.

10. The contention of the learned counsel for the petitioners is that neither an expert was appointed nor any such opinion was taken which is the mandate of Section 38 of the Consumer Protection Act, 2019⁴. It is stated that a detailed procedure is prescribed under the CP Act for conducting proper analysis and tests by the appropriate authority and the alleged defects cannot be determined without following due procedure. It is stated that despite the scope of a revision petition being restricted, the NCDRC has proceeded

⁴ CP Act

to adjudicate it as a Court of Appeal, which is impermissible in the eyes of law.

11. In our considered opinion, the matter concerns the jurisdiction of the NCDRC to pass the order impugned, given the limited scope of a revision petition as provided in clause (b) of sub-section (1) of Section 58 of the CP Act.

12. Section 58(1)(b) of the CP Act reads as under:-

58. Jurisdiction of National Commission,-

(1) Subject to the other provisions of this Act, the National Commission shall have jurisdiction-

(a) xxxxx

(i), (ii), (iii) & (iv) xxxx

(b) to call for the records and pass appropriate order in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the

exercise of its jurisdiction illegally or with material irregularity.

(2) xxxx

(3) xxxx

13. Thus, by the aforesaid provision of the CP Act, the NCDRC is mandated to decide only jurisdictional issues that come before it in respect of the dispute decided by the State Commission.

14. Having perused the orders impugned, we find that the NCDRC has entered into the merits of the matter and modified the order of the District Commission and the State Commission holding that the two petitioners were liable jointly and severally, and exonerated Maruti from any liability. In our considered opinion, such an order is impermissible in a revision under the CP Act.

15. At this stage it may also be pertinent to mention here that the proceedings before the concerned Commissions under the CP Act are essentially summary in nature and complaints which involve highly disputed factual questions should not be adjudicated by the Commission. The cases

involving tortious acts and criminality like fraud and cheating should not be decided by the Commission under the CP Act. It is for the concerned Commission to consider the complaint strictly in terms of the provisions of the CP Act. In this regard, the learned counsel for the petitioners has rightly referred to the judgment of the Supreme Court in the case of ***Chairman and Managing Director, City Union Bank Limited Vs. R. Chandramohan***⁵.

16. It is also pertinent to mention here that in an order passed by the NCDRC in the case of ***Maruti Udyog Limited v. Hasmukh Lakshmidhand***⁶, which order has been relied upon by the NCDRC in the present case, the question which fell for consideration in that Revision Petition was - as to whether there was any "manufacturing defect" in the car or not? The NCDRC noted that the onus to prove the defect is on the complainant. Section 13(1)(c) of the Consumer Protection Act, 1986 was referred which provided that if a complainant alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain sample of the goods from the complainant, seal it and

⁵ (2023) 7 SCC 775

⁶ 2009 SCC OnLine NCDRC 74

send it to such Laboratory which makes an analysis or test whichever may be necessary with a view to find out whether such goods suffer from defect alleged in the complaint or from any other object and report it back to the District Forum based on which the District Forum would determine the dispute between the parties. To find out as to whether the defect pointed out by the complainant was a "manufacturing defect" the complainant was directed to make available vehicle to the manufacturer for being taken at their cost to the Automobile Research Institute of India for the purpose of inspection. The complainant did not hand over the car to the petitioner despite repeated orders of the NCDRC. After considering other facts of the case, the NCDRC observed that it cannot be held that there was any "manufacturing defect" in the car and the Foras below had erred in holding to the contrary. The Revision Petitions were, therefore, allowed.

17. The NCDRC dissented from the opinion of the Commissions regarding manufacturing defect without due consideration of the material on record and exonerated Maruti. Simultaneously, without there being any reference made to clinching material / evidence on record, if any, the NCDRC

fixed liability on the petitioners giving the complainant "benefit of doubt". The order of the NCDRC recording findings on merit and making positive directions fixing liability on the petitioners and exonerating Maruti while 'dissenting' from the opinion of the State and District Commissions, and giving "benefit of doubt" to the complainant is appalling, beyond the scope of consideration in a revision petition, and is without jurisdiction.

18. At this stage it is pertinent to refer to a judgment of the Supreme Court in ***Sunil Kumar Maity v. SBI***⁷, certain observations of which are extracted below:-

"11. This Court is at a loss to understand as to how the National Commission could have sought for a report at the revisional stage, that too from an officer of the party which already had an opportunity to submit all the documents necessary for the purpose of defending itself before the Consumer Forum, and as to how such a report in the form of an additional evidence produced at the revisional stage could be relied upon, in respect of which the two fora below had no opportunity to deal with.

12. It is needless to say that the revisional jurisdiction of the National Commission under Section 21(b) of the said Act is extremely limited. It should be exercised only in case as contemplated within the parameters specified in the said provision, namely, when it appears to the National Commission that the State Commission had exercised a

⁷ (2022) 20 SCC 543

jurisdiction not vested in it by law, or had failed to exercise jurisdiction so vested, or had acted in the exercise of its jurisdiction illegally or with material irregularity.

13. In the instant case, the National Commission itself had exceeded its revisional jurisdiction by calling for the report from the respondent Bank and solely relying upon such report, had come to the conclusion that the two fora below had erred in not undertaking the requisite in-depth appraisal of the case that was required. In the opinion of the Court, both the State Commission as well as the Consumer Forum had elaborately appreciated the documents on record and passed the reasoned orders.

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17. Further, it is also well-settled legal position [CCI Chambers Coop. Hsg. Society Ltd. v. Development Credit Bank Ltd., (2003) 7 SCC 233] that requirement of leading detailed evidence could not be a ground to shut the doors of any forum created under the Act like the Consumer Protection Act. The anvil on which entertainability of a complaint by a forum under the Act is to be determined, is whether the questions, though complicated they may be, are capable of being determined by summary enquiry."

19. For the reasons aforesaid, we set aside the impugned common order dated 03.06.2024 and remand the matter back to the NCDRC for its consideration afresh.

20. The aforesaid petitions are accordingly ***allowed***.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(UMESH M ADIGA)
JUDGE

KGR