



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

121

**CWP No.36667 of 2025
Date of decision: 29.05.2026**

MAHENDRA SINGH YADAV

.... Appellant

Versus

M/S STERLING MOTOR COMPANY AND OTHERS

.... Respondents

**CORAM: HON'BLE MS. JUSTICE ARCHANA PURI
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present : Ms. Bhumika, Advocate for
Mr. Ram Darshan Yadav, Advocate for the petitioner.

RAMESH KUMARI, J.

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of certiorari for quashing the order dated 18.03.2014 (Annexure P-4), orders dated 23.01.2017 (Annexure P-5) and 08.08.2025 (Annexure P-6) passed by District Consumer Forum, Gurugram, the State Consumer Disputes Redressal Commission Haryana, Panchkula and the National Consumer Commission, New Delhi respectively and for issuance of writ in the nature of mandamus directing respondent No.1 to allow his complaint dated 23.08.2012 (Annexure P-1) to replace XUV with new one or to return the charged value of the vehicle with interest @ 18% per annum from 14.04.2012 till the actual date of payment along with penalty of Rs.5,00,000/-.



2. The case of the petitioner is that on 14.04.2012, he purchased a Mahindra-500-XUV, W-8 model, white colour bearing registration No.HR-26-BR-8134 from respondent No.1- M/S Sterling Motors Company, Gurugram for sale consideration of an amount of Rs. 14,11,550/-. The said vehicle was delivered to him on 16.04.2012. The vehicle was suffering from number of defects i.e.
1. Noise in the engine;
 2. Door lock problem on front left and right side and noise thereof;
 3. Doors also open automatically while the vehicle is running;
 4. Engine noise in the cabin;
 5. Noise in the gear box;
 6. Noise in the chassis and loud noise in left side front wheel.
3. These defects were reported by the petitioner to respondent No.1. The petitioner had narrow escape when the left side window of the vehicle opened automatically on 18.04.2012. The vehicle was hit by a motorcyclist from behind thereby causing damage to the rear portion of the vehicle. The petitioner paid Rs. 54,710/- for repair of the vehicle. The matter was again reported to respondent No.1 but respondent No.1 failed to correct the said defect. The said act on the part of respondent No.1 is deficiency in the service. The vehicle was taken to workshop of respondent No.1 but the defects remained unrectified. Legal notice was sent by the petitioner to respondent No.1 but no action was taken.
4. Learned counsel for the petitioner contended that the petitioner filed complaint dated under Sections 12 and 14 of the Consumer Protection Act, 1986 in District Consumer Forum, Gurugram dated 23.08.2012



(Annexure P-1). Respondent No.1 in its written reply, denied the averments. The District Consumer Forum, Gurugram erred in dismissing the complaint vide order dated 18.03.2014 (Annexure P-4) by holding that there is no manufacturing defects in the vehicle in dispute and that respondent No.1 promptly and efficiently rectified the problem of noise in engine by its replacement. The State Consumer Disputes Redressal Commission Haryana, Panchkula vide its order dated 23.01.2017 and the National Consumer Disputes Redressal Commission, New Delhi vide its order dated 08.08.2025, wrongly and erroneously upheld the order of District Consumer Forum, Gurugram. He prayed that his vehicle needs replacement along with compensation to him for deficiency in the service on the part of respondent No.1.

5. With the able assistance of the learned counsel for the petitioner, we have gone through the record.
6. The District Consumer Forum, Gurugram in the order dated 18.03.2014 (Annexure P-4) observed that the complainant/petitioner failed to produce any documentary evidence to support that the vehicle was having manufacturing defects. The vehicle in dispute was with respondent No.1 for repair after accident, sitting at 2933KM and respondent No.1 charged Rs.1350/- vide bill dated 29.06.2012, though later on, running repair was made on 30.06.2012 at 2998 KM by respondent No.1 for a sum of Rs.188/- as per Vehicle History Sheet. The engine was replaced and after replacement of engine, Satisfaction Note dated 17.12.2012 was duly signed by the petitioner. The District Consumer Forum, Gurugram observed that the complainant failed to lead any cogent evidence to prove



any manufacturing defect in the vehicle or deficiency in providing services to him. The engine of the vehicle in question had already been replaced and body of vehicle was damaged in two accidents caused by the petitioner just after purchase of vehicle, first within two days and second within 2 ½ months of its purchase. For the purpose of replacement of vehicle, technical expert report is required to be proved by the complainant/petitioner, which he failed to prove.

7. The State Consumer Disputes Redressal Commission Haryana, Panchkula and the National Consumer Disputes Redressal Commission, New Delhi failed to find any illegality or irregularity in the order of District Consumer Forum, Gurugram. There are concurrent findings of abovesaid three forums that there are no manufacturing defects when the petitioner purchased the vehicle.
8. No expert opinion regarding any alleged manufacturing defect in the vehicle had been submitted before any of the forums. The petitioner himself expressed the satisfaction regarding the repair and replacement of engine by issuing 'Satisfaction Note' dated 17.12.2012. The decisions of District Consumer Forum, Gurugram, the State Consumer Disputes Redressal Commission Haryana, Panchkula and the National Consumer Disputes Redressal Commission, New Delhi are based on appreciation of facts and law in its rightful perspective. No interference in the impugned orders dated 23.01.2017 (Annexure P-5) and 08.08.2025 (Annexure P-6) passed by District Consumer Forum, Gurugram, the State Consumer Disputes Redressal Commission Haryana, Panchkula and the National Consumer Commission, New Delhi respectively, is required.



- 9. In view of the above discussion, the petition is dismissed.
- 10. Pending application, if any, also stands disposed of.

(ARCHANA PURI)
JUDGE

(RAMESH KUMARI)
JUDGE

29.05.2026

Jyoti-N

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No