



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.885 OF 2025

Arun s/o Ramkrishna Pawde ... Petitioner

Versus

Sharman Paints.thr. its Proprietor
Mrs. Taradevi Sharma ... Respondent

....

Mr.Amit A. Choube, Advocate for petitioner.

...

CORAM : PRAFULLA S. KHUBALKAR, J.
DATE : 21st AUGUST, 2025.

FINAL ORDER :

1 Heard Mr. Amit A. Choube, learned counsel for the petitioner.

2. The petitioner has challenged the judgment and order passed by the National Consumer Disputes Redressal Commission, New Delhi, by which the Revision Petition filed by the petitioner came to be dismissed.

3. Counsel for the petitioner submitted that the petitioner had raised a grievance before the District Consumers Disputes Redressal Forum, Nagpur, with respect to defective pipes supplied by the respondent. In his complaint, which was filed in April 2023,

the petitioner alleged that 350 pipes were purchased by him from the respondent and in February 2004 it was revealed that the pipes were of inferior quality. Therefore, by issuing notice dated 26th April, 2004, the petitioner demanded compensation of Rupees Ten lakhs from the respondent, and filed a complaint before the District Consumers Disputes Redressal Forum at Nagpur. The complaint filed by the petitioner came to be dismissed against which, an appeal was filed before the State Commission, which was also dismissed and feeling aggrieved thereby the petitioner filed Revision Petition No.703/2016 before the National Consumer Disputes Redressal Commission, New Delhi. By judgment and order dated 25th January, 2024, the Revision Petition came to be dismissed and the petitioner has challenged this order by way of instant petition.

4. Counsel for the petitioner vehemently submitted that in view of the complaint raised by the petitioner, it was incumbent on the part of the Consumer Disputes Redressal Forum to send the goods for chemical analysis as per Rule 5 of the Maharashtra Consumers Protection Rules, 1987, within 45 days from the date of filing of the complaint and on account of non-compliance with this provision, the petitioner was entitled for the relief claimed.

5. A perusal of the impugned order passed by the

National Consumer Disputes Redressal Commission as well as the orders passed by the District Consumer Redressal Forum and State Commission reveal that the petitioner has filed the complaint after about a year after the pipes were purchased and the request for sending the pipes to Quality Control Officer for testing was submitted by the petitioner after three years after filing the complaint. As such, the grievance raised by the petitioner in that regard was not entertained. A perusal of the impugned order also reveals that there are several disputed questions of fact, which could not have been gone into by the District Consumer Redressal Forum, State Commission and National Consumers Dispute Redressal Commission.

6. The petitioner has failed to demonstrate any perversity with the impugned order. No indulgence is, therefore, warranted under Article 227 of the Constitution of India.

7. The Writ Petition is dismissed. There shall be no order as to costs.

(PRAFULLA S.KHUBALKAR, J.)

Mukund Ambulkar, SPS