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W.P. No. 23546 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2026

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THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

AND

THE HONOURABLE MRS. JUSTICE N. MALA

W.P. No. 23546 of 2026

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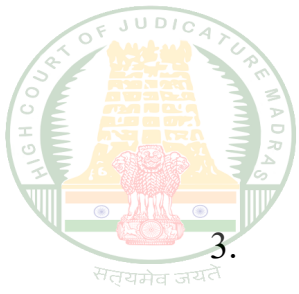
W.M.P. Nos. 26492 & 26494 of 2026

S. Paramaguru

..Petitioner

Vs.

1. The National Consumer Disputes Redressal Commission,
through its Registrar,
F-1/4, 1st Floor, Administrative Building,
Janpath, New Delhi – 110 001.
2. Mercedes Benz India Private Limited,
rep. by its Authorized Signatory,
E-3, MIDC, Chakan Industrial Area,
Kuruli & Nighoje, Tal Khed,
pune – 410 501.



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3. Trans Car India Private Limited,
rep. by its Authorized Signatory,
No.335-A, GST Road, Alandur,
Chennai – 600 016.
4. Trans Car India Private Limited,
rep. by its Authorized Signatory,
Showroom at No.86, 1st Floor,
Villianur Main Road, Reddiarpalayam,
Puducherry – 605 005.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the common judgment dated 09.01.2026 passed by the Hon'ble National Consumer Disputes Redressal Commission in First Appeal No. 153 of 2019 and First Appeal No. 394 of 2022, quash the same and consequently direct the respondents jointly and severally to refund the entire sale consideration of Rs.36,05,153/- received from the petitioner towards the purchase of the subject vehicle together with interest at the rate of 24% per annum from the date of purchase till realization, grant complete restitution by restoring the petitioner, as far as money can do so, to the position he would have occupied but for the respondents' acts, omissions, misrepresentation, unfair trade practices, deficiency in service, suppression and manipulation of material records, including compensation towards loss



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of income, loss of business opportunities, mental agony, harassment and all consequential losses suffered over the past thirteen years as a direct consequence thereof, award exemplary punitive and compensatory damage, direct payment of costs throughout.

For Petitioner :: Mr.S. Paramaguru
Party-in-person

O R D E R

(Made by **Dr.G. JAYACHANDRAN,J.**)

The writ petition is filed challenging the common judgment dated 09.01.2026 passed by the National Consumer Disputes Redressal Commission in First Appeal No. 153 of 2019 and First Appeal No. 394 of 2022 and to quash the same.

2. The writ petitioner, who is appearing as party-in-person submits that after the advent of The Consumer Protection Act, 2019, a writ petition challenging the order passed by the National Consumer Disputes Redressal Commission is maintainable before the High Court.

3. In this regard, we have the advantage of the judgment of the Hon'ble Supreme Court rendered in *M/s. Universal Sompo General Insurance Company Limited V. Suresh Chand Jain and Another* reported



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in (2024) 9 SCC 148 (Manu/SC/0800/2023) wherein the Hon'ble Apex Court has clarified the legal position.

4. In this case, the writ petitioner had preferred a complaint before the State Consumer Disputes Redressal Commission, ('SCDRC' in short), Puducherry, in Consumer Complaint No. 8 of 2014. The SCDRC passed an order on 27.04.2018 disposing of the aforesaid complaint with the following directions:

'12. Thus, the complaint is disposed of in the following manner:

- a) The second opposite party shall pay a sum of Rs.9,00,000/- to the complainant for the deficiency in service and mental agony faced by the complainant;
- b) a sum of Rs.20,000/- is awarded which is payable by the second opposite party to the complainant towards the cost of this complaint;
- c) The complainant is not entitled to seek for recall of the defective vehicle and for payment of Rs.36,05,153/- with interest from the opposite parties."

5. Aggrieved by the order of SCDRC, the opposite parties filed First Appeal No. 153 of 2019 before the National Consumer Disputes



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Redressal Commission ('NCDRC' in short), New Delhi on the ground that the complaint itself is barred by limitation and there is no cause of action for the complainant to sustain the complaint. The complainant/the writ petitioner herein, on his part, filed a cross-appeal in First Appeal No. 394 of 2022 seeking compensation for the mental agony, loss of business, refund of sale price and deficiency in service. The NCDRC, by a detailed judgment dated 09.01.2026, held that there was no deficiency in service or unfair trade practice on the part of the opposite parties. On facts, the NCDRC held that the allegation of the complainant/consumer that he was sold a demo or used vehicle remained unsubstantiated. Therefore, the order passed by the SCDRC was set aside by the impugned judgment.

6. The present writ petition is filed as a Second Appeal challenging the judgment passed by the NCDRC. The writ petition is filed under Article 226 of the Constitution of India and the judgment of the Hon'ble Supreme Court, cited supra, has clarified that a writ petition will lie against the order of the NCDRC if it is not against the original order of the NCDRC. However, a second appeal, in the form of writ petition, should



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AND

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contain substantial questions of law for the Court to entertain the same. As far as this case is concerned, factual aspects are now being raised as grounds of appeal. Since the fact finding Court has held against the petitioner herein, we are of the view that the consumer complaint filed in the year 2014 alleging deficiency of service in respect of vehicle sold on 01.11.2012 is not sustainable. The factual aspects have been considered and disposed of against the petitioner herein. On perusal of records, we find no substantial questions of law involved. Hence, we are not inclined to entertain the writ petition and the writ petition stands dismissed at the admission stage itself. No costs. Connected W.M.Ps are closed.

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(Dr.G.J.J.) (N.M.J.)
29.06.2026

To
The National Consumer Disputes Redressal
Commission,
through its Registrar,
F-1/4, 1st Floor, Administrative Building,
Janpath, New Delhi – 110 001.

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