



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-5361-2026 (O&M)
Date of Decision:-6.4.2026

Union of India and others ... Petitioners

Versus

K.S. Bhatti and another ... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present:- Mr. Narender K. Vashist, Senior Panel Counsel,
for the petitioners - UOI.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners – Union of India and others assail order dated 20.8.2025 (Annexure P-1) passed by National Consumer Disputes Redressal Commission (hereinafter referred to as '*the NCDRC*'), whereby a revision petition filed by the petitioners assailing order dated 16.1.2017 (Annexure P-6) passed by State Consumer Disputes Redressal Commission (hereinafter referred to as '*the SCDRC*') and order dated 14.7.2016 (Annexure P-4) passed by District Consumer Disputes Redressal Commission (hereinafter referred to as '*the DCDRC*'), has been dismissed.
2. A few facts necessary to notice for disposal of this petition are that respondent No.1/complainant – K.S. Bhatti alongwith his wife had boarded train No.14217, Unchahar Express on 16.4.2013 from Allahabad so as to go



to Chandigarh. They were occupying berth Nos.13 & 15 in AC -2 Tier coach (coach No.A2). However, during the journey two of their suitcases were stolen from the train in respect of which respondent No.1 lodged an FIR at Chandni Chowk, Railway Station, Delhi on 17.4.2013. Subsequently, he filed a consumer complaint before the DCDRC, which was accepted vide order dated 14.7.2016 (Annexure P-4) and the respondents (petitioners herein) were directed to pay an amount of Rs.10,000/- as compensation and another amount of Rs.5,000/- towards litigation expenses to the complainant (respondent No.1 herein). Aggrieved by the aforesaid order, respondent No.1 preferred an appeal before the SCDRC, which was accepted vide order dated 16.1.2017 (Annexure P-6) and the following relief was granted to respondent No.1:

“..... The opposite parties/respondents (Union of India and Ors.) are jointly and severally directed as under:

- (i) To pay Rs.39,000/- referred to above to the complainant, alongwith interest @ 8% p.a., from the date of theft i.e. 17.04.2013.
- (ii) To pay Rs.15,000/- as compensation instead of Rs.10,000/- for mental agony & physical harassment caused to the complainant and deficiency in providing service.
- (iii) To pay cost of litigation to the tune of Rs.5,000/- as awarded by the Forum.
- (iv) The awarded amount shall be paid by the opposite parties/respondents to the complainant/appellant, within a period of two months, from the date of receipt of a certified copy of this order, failing which, the amount mentioned at sr. no.(i) shall carry penal interest @10% p.a. from 17.04.2013 instead of 8% p.a. and the amounts mentioned



at sr. nos.(ii) and (iii) shall carry interest @10% p.a. from the date of filing the consumer complaint before the Forum, till realization.”

3. The petitioners assailed the aforesaid order dated 16.1.2017 (Annexure P-6) by way of filing a revision petition before the NCDRC, which has been dismissed by the NCDRC vide impugned order dated 20.8.2025 (Annexure P-1), which is being assailed before this Court.
4. Learned counsel for the petitioners, while assailing the impugned order, submitted that the Consumer Fora fell in error in accepting the claim of respondent No.1 and that the Railways can be held responsible only in case of a “booked luggage” whereas in the instant case respondent No.1 had not booked the luggage. Learned counsel, in this context, referred to Section 100 of Railways Act, 1989, which reads as under:

“100. Responsibility as carrier of luggage-

A railway administration shall not be responsible for the loss, destruction, damage, deterioration or non-delivery of any luggage unless a railway servant has booked the luggage and given a receipt therefor and in the case of luggage which is carried by the passenger in his charge, unless it is also proved that the loss, destruction, damage or deterioration was due to the negligence or misconduct on its part or on the part of any of its servants.”

(emphasis supplied)

5. We have heard learned counsel for the petitioners and have also gone through the impugned orders.
6. A perusal of Section 100 of Railways Act, 1989 itself shows that the Railway is not granted absolute immunity from its liability in case of any loss or



damage or non-delivery of any luggage carried by passenger and that in case the claimant is able to establish that the same was on account of some negligence on part of the Railways itself, the liability can well be fastened on Railways.

7. A perusal of the impugned order shows that the contentions raised on behalf of the petitioners before the NCDRC regarding there being no liability of the Railways were duly considered and while referring to the relevant case law, it has been held as under:

“11. The District Forum vide order dated 14.07.2016 rightly and correctly observed that the petitioners did not contradict allegation of the respondent regarding entry of an unauthorized into the reserved compartment at the instance of the coach attendant and no convincing evidence was led to establish that locking system was properly maintained. The District Commission also prudently made observation regarding non-filing of affidavit of coach attendant Mubarak Ali to rebut allegations of the respondent and to establish that there was no lack of care on the part of the employee of the petitioners in facilitating entry of an intruder into the reserved compartment leading to the theft and loss to the respondent which is nothing short of deficiency in service and unfair trade practice. The petitioners were essentially required to file affidavit of coach attendant to rebut allegations of the respondent and also to establish that there was no negligence on the part of the coach attendant. The District Forum also suitably dealt with the objection of the petitioners regarding bar of the section 100 of the Railways Act, 1986 by holding that section 100 is not applicable in case of negligence on the part of employees of the railways i.e. the petitioners. The order passed by the District Forum is well reasoned and was passed after appropriate appreciation of material on record.



13. This Commission in **G.M. South Central Railway V R.V. Kumar**, MANU/CF/0082/2005 observed that a passenger travelling by a train is entitled to carry certain baggage or luggage within permissible limits of weights, free of cost and there is no question of entrusting such baggage/luggage to the Railways and getting a receipt thereof. It was further held that if a loss take place of such a luggage, railways can be held responsible provided that there is negligence on the part of the Railways or any of its servants, provided, of course, that the passenger himself has taken responsible care of his personal baggage as expected of a prudent person. In the present case, the negligence on the part of employee of railways is well established which is also not suitably rebutted by the petitioners and the coach attendant did not perform his duties carefully and diligently.
14. It is also accepted legal proposition that National Commission in the exercise of revisional jurisdiction cannot re-appreciate the merits of the case like an appellate court. The Supreme Court in **Rubi Chandra Dutta V United India Insurance Co. Ltd.**, (2011) 11 SCC269 held that the scope of Revision Petition is limited and such powers can be exercised only if there is some prime facie jurisdictional error appearing in the order. The Supreme Court in **Sunil Kumar Maity V State Bank of India & others**, AIR 2022 SC577 held as under:-

“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 parameters specified in the said provision, namely when it appears to the National Commission that the State Commission had exercised a 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.”



8. The findings as recorded by the NCDRC do not suffer from any kind of infirmity so as to justify any interference. Rather the view taken by the NCDRC is found to be a fair and a balanced view. In any case, the present case is a case where no such perversity in the impugned orders could be pointed out so as to warrant any interference in the writ petition inasmuch as the scope of interference in writ jurisdiction so as to assail such orders would be very limited i.e. if there is some sheer perversity in the impugned orders or if there is some sheer misreading of evidence, which is not there in the instant case. The Hon'ble Supreme Court in M/s Garment Craft Vs. Prakash Chand Goel, AIR 2022 SC 422, while defining the scope of interference under Article 227 of the Constitution of India, held as under:

“18. Having heard the counsel for the parties, we are clearly of the view that the impugned order is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India. The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice.”



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9. Examining the impugned order in the light of ratio of law laid down in M/s Garment Craft's case (supra), we do not find any perversity or illegality in the impugned order so as to warrant any interference in exercise of writ jurisdiction. Finding no merit in the instant petition, the same is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

6.4.2026
Pankaj

(RAMESH KUMARI)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No