

GOVERNMENT OF JAMMU & KASHMIR
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
KUPWARA

Coram: -

1. Peerzada Qousar Hussain **President**

2. Ms Nyla Yaseen **Member**

Consumer Complainant No: 131/2024

**Mr. Ghulam Nabi Khoja S/O Gh Qadir Khoja R/O Aloosa
Malikpora Bunpora Tehsil Kralpora District Kupwara.**

.....(Complainant)

Versus

**TATA Motors and Workshop
Through DGM Fairdeal Motors & Workshop Pvt. Ltd.
Parimpora Srinagar, Jammu and Kashmir.**

..... (Opposite party)

Date of Institution: 30-11-2024

Date of Decision: 26-06-2025

Appearing Counsel

Adv. Shabir Ahmad Bhat present for the complainant.

Nemo for OP.

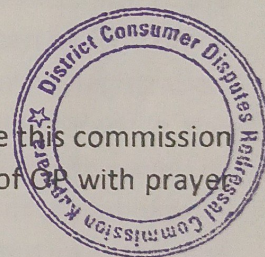
Judgement

The instant complainant has been filed by the complainant before this commission on **30-11-2024** alleging therein deficiency of service on the part of OP with prayer to grant the following relief:

1. Compensation to the tune of **Rs.3,00,000/-** for deficiency in service.
2. Compensation to the tune of **Rs.3,00,000/-** as mental agony and **Rs.10,000/-** as litigation charges.

Brief facts: -

The complainant purchased a vehicle Type Tiago Ex. Bearing Chasis No. MAT 62601JKJ88301 Engine No. REVTRN02JRYK88420 from Fairdeal motors and workshop Branch unit Kupwara on **23-10-2018**. Contention of the complainant is that at the time of purchasing of the vehicle he submitted all the requisite documents and fee for issuance of temporary Registration No. The OP issued a temporary Registration No. of the vehicle. Consequently, the complainant approached the ARTO concerned with the said temporary Registration No. for registration of the vehicle. However, the temporary Registration No. was termed as invalid and fake. The complainant subsequently approached the opposite party with the request to issue the proper temporary Registration No. of the vehicle however the same was not issued.



Contention of the complainant is further that in the meanwhile the motor vehicle rules were changed, by virtue of which the owner of the vehicle was required to pay the registration fee @9% for registration of the purchased vehicle and the complainant was constrained to deposit the fee @9% of the total cost of the vehicle in question. Thereafter the complainant again approached the concerned OP and requested to refund the amount paid by him for registration of the vehicle but he was not paid anything.

The complainant's contention is further that he suffered huge loss due to the negligence of the OP and even he served a legal notice to the Deputy General Manager Fairdeal motors and workshop Branch unit Kupwara however, nothing was done in the matter, to compensate the complainant for the loss caused, which constrained him to approach the District Consumer Disputes Redressal Commission Kupwara for redressal of his grievances.

Notice was issued however, the OP failed to appear and to contest the case, consequent upon which the Ex-parte proceedings were initiated against the OP.

The complainant adduced 3 witnesses in support of his claim namely Fayaz Ahmad Ganai S/O Mohamamd Abdullah Ganai R/O Pazipora Kupwara, Ghulam Mohammad Lone S/O Lassi Lone R/O Kralpora Kupwara and Ghulam Nabi Khoja S/O Gh Qadir Khoja R/O Aloosa Malikpora Bunpora Tehsil Kralpora District Kupwara the complainant as witness in his own case.

The witnesses on affidavit stated that they know the complainant who purchased Tiago vehicle from the opposite party in the year 2018 under Chasis No. MAT 62601JKJ88301. The opposite party at the time of purchasing the said vehicle issued a temporary Registration No. to the complainant however, when the complainant approached Assistant Regional Transport Officer(ARTO) office Kupwara for registration of his vehicle he was told that the temporary Registration No. is issued is fake, due to which the vehicle could not be registered. In the meanwhile, the motor vehicle rules were changed by virtue of which the owner of the vehicle was required to pay registration fee @9% of the value of the purchased vehicle. The complainant in accordance with the new rules deposited an amount of **Rs.37,878/-** @9% for registration of vehicle resultantly he suffered loss due to the negligence of the opposite party as the OP did not issue genuine temporary Registration No. at the time of purchase of the vehicle.

The complainant as witness in his own case on affidavit stated that he purchased a vehicle from the Fairdeal motors and workshop Branch unit Kupwara and at the time of purchasing of the vehicle. A temporary Registration No. was issued however when he approached the Assistant Regional Transport Officer(ARTO) concerned for registration of his vehicle he was told that the temporary Registration No. is not genuine, due to which the complainant's vehicle could not be registered. Although he approached the opposite party several times with the request to issue the genuine temporary Registration No. however, nothing was done.

In the meanwhile, the motor vehicle rules were changed and the complainant being the owner of the vehicle paid an amount of **Rs.37,878/-** of the total cost for registration of the said vehicle. As such the complainant suffered loss due to non-issuance of the genuine temporary Registration No.

Heard the complainant perused the records and the Ex-parte evidences of the complainant and are of the considered opinion that the complainant purchased a

vehicle from the Fairdeal motors and workshop Branch unit Kupwara herein after referred to as the opposite party. The complainant submitted all the requisite documents to the opposite party, consequent upon which a temporary Registration No. of the vehicle was issued to the complainant however, the said temporary Registration No. later on proved to be fake and not genuine.

Since the OP was under legal duty to provide necessary documents to the complainant including the temporary Registration Certificate and to ensure that the vehicle is properly registered. Contrarily to which a fake temporary Registration certificate has been issued to the complainant by putting an additional burden on the complainant.

Failure to issue genuine temporary certificate to the buyer and issuing fake temporary Registration No. is violation of the prescribed rules and regulations which amounts to unfair trade practice.

In view of the aforesaid facts and the circumstance of the case we hold the opposite party liable for indulging in unfair trade practice and putting the additional financial burden on the complainant by providing fake temporary Registration No. in accordance with section 2/11 of CPA 2019. As such the complaint of the complainant is allowed and disposed off with the following directions: -

- 1.The opposite party is directed to refund the excess amount of Rs.37,878/- deposited by the complainant on account of registration fee @9%.
- 2.The opposite party is further directed to pay an amount of Rs.1,00,000/- to the complainant as compensation for indulging in unfair trade practice.
- 3.The opposite party is further directed to pay an amount of Rs.10,000/- as litigation charges.
- 4.The opposite party is further directed to ensure that such incidents do not recur in the future and the proper documents including the Registration No. are issued to the buyers at the time of sale of the vehicle.

The opposite party will comply with the order within a period of 4 weeks from the date copy of this order is served upon the OP's.

Order announced
Date: 26-06-2025

Nyla Yaseen
26/06/25
Member
District Consumer Disputes
Redressal Commission
Kupwara

Peerzada Gausar Hussain
PRESIDENT
District Consumer Disputes
Redressal Commission Kupwara

Registry is directed to provide the copies of this order to the parties for compliance and after completion file be consigned to records.