



सत्यमेव जयते

Extra

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No.6741/1141/2016

Dated 20.06.2017

In the matter of:

Shri Radhe Shyam,
S/o Shri Ram Dhan,
Village – Rishpur, P.O. – Sanoli Khurd,
District – Panipat-132103, Haryana
Email: radhe.eng85@gmail.com

.... Complainant

Versus

Hyundai Motor India Ltd.,
Through: Managing Director,
Irrugattukottai, NH No. 4, Sriperumbudur Taluk,
Kanchipuram District, Tamil Nadu – 602117

.... Respondent No.1

Department of Heavy Industry (AEI Section),
Through: Joint Secretary,
M/o Heavy Industries and Public Enterprises,
Udyog Bhawan, New Delhi-110001

.... Respondent No.2

Date of hearing – 21.02.2017

Present:

- (1) Shri Radhey Shyam, complainant
- (2) Shri Anupam Saxena, Asst. Manager, Hyundai Motor India Ltd. on behalf of respondent No.1
- (3) Shri Ajay Kumar Gaur, Under Secretary, M/o Heavy Industries & Public Enterprises for respondent No.2

ORDER

KLC

The above named complainant, a person with 50% locomotor disability filed a complaint dated 03.08.2016 under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, hereinafter referred to as the 'Act', regarding demand of half of the Excise Duty Concession amount by the Sales Manager, Rahul Pam Pvt. Limited, Karnal (Haryana).

2. The complainant submitted that he purchased Hyundai Grand I10 Asta AT (White) Car on 16 June, 2016 from Rahul Pam Pvt. Ltd., Karnal, Haryana, the dealer of Hyundai Motor India Ltd. and got Excise Duty Concession from Ministry of Heavy Industries and Public Enterprises vide letter No.16(62)/2016 dated 12.07.2016. He alleged that the Sales Manager of Rahul Pam Pvt. Ltd. was demanding half of the total Excise Duty Concession

amount in cash for delivery of the car and on refusal to pay the amount they used abusive language.

3. Under Section 59 of the Act, the matter was taken up with the respondent No.1 vide letter dated 15.09.2016 with a copy to the respondent No.2.

4. Respondent No.2, vide letter dated 24.09.2016 also requested respondent No.1 to furnish the action taken report to them urgently for updating this Court. When no reply was received from the respondent No.1 despite reminder dated 30.11.2016, the case was scheduled for hearing on 21.02.2017.

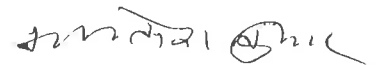
5. During the hearing on 21.02.2017, the representative of respondent No.1 intimated that the complainant has already filed the same complaint (No.252/16 – Radhe Shyam Vs Rahul Pam Pvt. Ltd.) before the President, District Consumer Disputes Redressal Forum, Karnal which is pending. In addition to this the complainant had also filed the same complaint (Case No.34/2016) before the State Commissioner for Persons with Disabilities, Government of Haryana wherein Order was passed on 17.02.2017. The respondent also filed before this Court, the copies of the complaint No.252/16 and Order dated 17.02.2017 which were taken on record. The operative part of the Order reads as under:-

“न्यायालय इस निष्कर्ष पर पहुँचा है कि कम्पनी को अपना पक्ष प्रस्तुत करने का एक माह का समय दिया गया था। शिकायतकर्ता श्री राधे श्याम दिव्यांग की तरफ कम्पनी कोई संवेदना नहीं रखती है। दिनांक 17-2-2017 को इस न्यायालय में सुनवाई के समय भी उपस्थित नहीं हुए। न्यायालय ने कम्पनी की प्रतीक्षा उपरान्त निर्णय दिया कि कम्पनी के गैर जिम्मेदाराना रवैये के कारण शिकायतकर्ता को मानसिक, सामाजिक व आर्थिक पीड़ा पहुँचाई है। कम्पनी ने धोखा-धड़ी करके शिकायतकर्ता द्वारा बुक कराई गई कार उसे न देकर किसी अन्य को बेच दिया जो कि सरासर विश्वासघात वह धोखा है और वह भी एक दिव्यांग ग्राहक के साथ।

अतः यह न्यायालय पुलिस अधीक्षक, करनाल को राहुल पाम प्रा० लि०, नजदीक ताऊ देवीलाल चौक, जी०टी० रोड, करनाल के खिलाफ अमानत में खयामत का मामला व धारा 420 का मुकदमा दर्ज करने, सामाजिक-आर्थिक व मानसिक पीड़ा पहुँचाने का मुकदमा दर्ज करने की सिफारिश करता है। पुलिस अधीक्षक, करनाल तुरन्त प्रभाव से कम्पनी के खिलाफ कार्यवाही करके इस न्यायालय को सूचित करेंगे।

इसके अलावा यह न्यायालय भारी उद्योग एवं लोक उद्यम मंत्रालय, भारत सरकार, नई दिल्ली से कम्पनी के विरुद्ध उचित कार्यवाही करने की सिफारिश करता है।”

6. In the light of the above, this Court observed that State Commissioner for Persons with Disabilities (Divyangjan) has already adjudicated the matter and passed Order on 17.02.2017. Therefore, no further intervention is required in the matter and the case is dismissed.



(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities