

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23593/2008

(From the judgement and order dated 30/04/2008 in RP No.2143/2005 of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

ANIRUDH JHINA THR.MR.J.C.JHINA

Petitioner(s)

VERSUS

M/S.PRIMAL HOLDING LTD. & ANR.

Respondent(s)

(With appln(s) for change of name of respondent and office report)

Date: 11/11/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s)

Mr. S.K. Sharma, Adv.

For Respondent(s)

Mr. Shekhar Naphade, Sr. Adv.

Ms. Radhika Gautam, Adv.

Mr. Abhinav Agrawal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The application for change the name of the respondent is allowed in terms of the prayer made.

This petition is directed against order dated 30.04.2008 by which the National Consumer Disputes Redressal Commission set aside the finding recorded by the District Forum and the State Consumer Disputes Redressal Commission that the petitioner, who was declared successful and held entitled to the prize, viz., Mercedes Van, was a consumer within the meaning of Section 2(d) of the Consumer Protection Act, 1986 but held that the respondent was not guilty of unfair trade practice and that the petitioner was liable to pay income tax under Section 194B of the Income Tax Act, 1961 besides registration charges, road tax and octroi in respect of the prized vehicle.

Shri S.K.Sharma, learned counsel for the petitioner argued that the National Commission committed serious error by not considering the petitioner's prayer that he should be awarded depreciation of Rs.9,58,735 and on that account the order under challenge is liable to be set aside, but we are not inclined to entertain the argument of the learned counsel because no such point is shown to have been argued before the National Commission.

On other issues, we are in complete agreement with the National Commission that the respondent was not guilty of unfair trade practice, that there was no deficiency in service on the part of the respondent and that the petitioner was liable to pay the income tax and other charges.

The special leave petition is accordingly dismissed.

| (Parveen Kr.Chawla)

| Court Master

| | (Phoolan Wati Arora)

| | Court Master

