

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 3187 OF 2017**

(Against the Order dated 04/05/2017 in Appeal No. 716/2016 of the State Commission Chhattisgarh)

1. PRAKASH CHANDRAKAR

S/O.SH.LATE PRADEEP CHANDRAKAR, R/O VISHRAM  
PUR,THANA VISHRAM PUR, TEHSIL SURAJ PUR

C.G - 493222

.....Petitioner(s)

Versus

1. BRANCH MANAGER, UNITED INDIA INSURANCE CO.  
LTD.

HOTEL KUMKUM, BRAMH ROAD, AMBIKA PUR, THANA  
AND TEHSIL, AMBIKA PUR GILA,

SURGUJA

C.G

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. BINOY KUMAR,PRESIDING MEMBER  
HON'BLE MR. JUSTICE SUDIP AHLUWALIA,MEMBER**

**For the Petitioner :**

Ms. J. Kiran, Advocate with

Mr. J.P.N Shahi, Advocate

**For the Respondent :**

Mr. Amit Kumar Singh, Advocate

Mr. Tovikato Achumi, Advocate

(In RP/3187/2017)

Mr. Tishampati Sen, Advocate

Ms. Ridhi Sancheti, Advocate

Mr. Anurag Anand, Advocate (For R-1)

Mr. Bharat Sood, Advocate (For R-2)

**Dated : 10 Jan 2023**

**ORDER**

This Revision Petition has been preferred by Mr. Prakash Chandrakar, the Petitioner herein against the Order dated 04/05/2017 passed by the Chhattisgarh State Consumer Disputes Redressal Commission, Pandri Raipur in Appeal No.FA/2016/717.

2. The State Commission had dismissed the Appeal preferred by the Petitioner/Complainant against the Order of the District Redressal Forum Ambikapur, Sarguja (Chhattisgarh) on 20/10/2016.

3. The District forum had directed the two Insurance Companies which are the Respondents in each of these two Revisions to pay an equal amount of ₹3,30,289/- to the Complainant on account of the damages suffered by

him in his business premises due to incidence of fire.

4. The District Forum had come to this finding by accepting the report of the Surveyor Commissioner who had assessed the total liability of the Insurance Companies to the tune of ₹6,60,578/- only, which was therefore, equally divided by the District Forum against the two Insurance Companies.

5. The Petitioner is first of all aggrieved that neither any interest, nor litigation costs were awarded to him by both the Fora. He is also aggrieved by the assessment accepted by the District Forum on the basis of the Surveyor’s Report. In this regard, he has mentioned in ground ‘M’ of his Revision that the assessment of loss at 35% by the Surveyor is without cogent and sufficient reasons.

6. We have heard the submissions of the Ld. Counsel appearing for the Parties. We find no grounds to interfere with the concurrent decisions of both the Fora below. This is so because the Petitioner/Complainant has been unable to spell out as to what were the deficiencies in the assessment arrived at by the Surveyor. Such assessment of the Surveyor is first of all reproduced as follows:-

***“Allowed 35% of claimed amount as insured area which is said to involved in fire is only 35%. Insured has not submitted quantity how he has arrived to this figure and debris not produced. But for the purposes of maximum liability the working has been made.”***

7. It is undeniable that from his side the Petitioner could not give any detailed list of the articles allegedly destroyed in the fire, and the Stock Register in that regard was also not satisfactorily forthcoming. As 35% of the premises had been found to have been destroyed in fire, so the Surveyor assessed the loss at 35% of the maximum liability covered under the Insurance Policy. In the circumstances, it cannot be said that there was any major error or irregularity on the part of the Surveyor in coming to such conclusion.

8. Regarding the non-awarding of interest to the Petitioner, it may be mentioned that the Surveyor had submitted his final Report on 10/11/2014. But before the Insurance Companies which were willing to pay up his admissible claim, he preferred his Complaint just a month later on 15/12/2014 which was ultimately disposed off by forum on 20/12/2016, and specifically for this reason the District Forum held that in the circumstances he was not entitled to any interest or litigation costs, when the Insurance Companies had all along being willing to pay up their Assessed claim amounts.

9. For the aforesaid reasons, the instant Revision Petitions are found to be bereft of any substantive merits. The same are therefore dismissed. Parties to bear their own costs.

.....  
**BINOY KUMAR**  
**PRESIDING MEMBER**  
.....J  
**SUDIP AHLUWALIA**  
**MEMBER**