

COURIER FIRM'S LIABILITY IS MORE

Here is good news for those who have lost important documents and other articles due to the negligence of private courier companies.

The National Commission in the case of O.D. Phanikar vs. Desk to Desk Courier and cargo Limited has decided that if the courier companies are guilty of deficiency in service, the consumer is to be suitably compensated.

Normally, courier companies print several unilateral conditions at the back of the consignment note which binds the consumers. One such condition is that in case of loss of consignment, the compensation would be restricted to Rs.100. But the National Commission has overruled this clause, subject to certain conditions.

In this case the consumer had sent some important papers from West Godavari District in Andhra Pradesh to Chennai where his son was studying. The paper did not reach the student. He filed a complaint in the District Forum, which ordered payment of compensation of Rs.00 as per the conditions printed in the consignment note. The consumer went on appeal to the AP State Commission seeking enhancement of compensation. However the State Commission dismissed the case. Aggrieved by the order, the consumer approached the National Commission.

The Supreme Court in the case of Bharathi Knitting vs. DHL Couriers had decided that the compensation for loss of consignment should not exceed the amount mutually agreed upon. Quoting this decision, the Desk to Desk courier and cargo argued that their liability is limited to Rs.100. However the National Commission has taken a different view. It said that the consignment note is not signed by the complainant and the conditions were not explained to the complainant. There was clearly deficiency in service since the consignment containing important papers was not delivered. It could not be said that the complainant was aware of any such condition, which was also in small print.

Taking the above points into consideration the National Commission has directed the courier company to pay a compensation of Rs.5,000 in addition to Rs.1,000 as costs.

The above decision should make the courier companies more responsible and careful in discharging their duties to the consumers.
