

**2023 STPL(WEB) 12 SC  
SUPREME COURT OF INDIA**

(HON'BLE MR. JUSTICE VIKRAM NATH HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH JJ.)

**STATION SUPERINTENDENT & ANR.**

Appellants

*VERSUS*

**SURENDER BHOLA**

Respondent

Civil Appeal No. 7116 of 2017-Decided on 15-6-2023

**Consumer – Theft in railway not a deficiency in service – Railway not responsible – Allowing Complaint set aside and Complaint dismissed**

Advocate(s): For Appellant(s) Mr. Rajan Kumar Chourasia, Adv. Mr. Merusagar Samantaray, Adv. Ms. Sweksha, Adv. Mr. Amrish Kumar, AOR Mrs. Anil Katiyar, AOR  
For Respondent(s)

**ORDER**

1. Heard Mr. Rajan Kumar Chaurasia, learned counsel for the appellant. Despite service of notice, no one appears for the respondent although the matter is pending for the last eight years.

2. The respondent raised a claim before the District Consumer Forum stating that while he was travelling in a train and was carrying Rs.1 lakh in cash in a belt tied around his waist, the same got stolen and as such the Railways should reimburse the said loss.

3. The District Consumer Forum allowed the same by awarding Rs.1 lakh to be paid by the appellant(s). The State Consumer Dispute Redressal Commission and the National Consumer Disputes Redressal Commission dismissed the appeal(s). We fail to understand as to how the theft could be said to be in any way a deficiency in service by the Railways. If the passenger is not able to protect his own belongings, the Railways cannot be held responsible.

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4. Accordingly, we allow the appeal and set aside the orders passed by the National Consumer Disputes Redressal Commission, State Consumer Dispute Redressal Commission and the District Consumer Forum.

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