

(2002) 11 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

Catvision Products Ltd

APPELLANT

Vs

Nagpur Entertainment And News Network

RESPONDENT

Date of Decision : 26-11-2002

Acts Referred:

Citation : 2003 1 CPJ 111

Hon'ble Judges : S.K.DUBEY , B.L.KHARE J.

Judgement

1. THIS appeal is directed against the order dated 15.11.2000 passed in Case No. 288/2000 by the District Consumer Disputes Redressal Forum, Gwalior (for short the "District Forum"), whereby the complaint for deficiency in service in realising the stamp duty and additional registration charges over and above the value of the plot of Rs. 27,000/- wherein Rs. 9,955/- were included in the sale deed as capital interest, was dismissed holding that as the value of the plot in the sale deed is Rs. 36,955/-, therefore, the stamp duty and registration charges were payable as per valuation of the property for which the respondent No. 2 cannot be held deficient in service.

2. AFTER hearing learned Counsels for the parties and on reappraisal of evidence on record, we are of the opinion that a person presenting document for registration before the Registrar of Assurances is not a consumer as defined under Section 2(1)(d) of the Consumer Protection Act, 1986 (For short the Act) as the Registrar of Assurances do not render any service within the meaning of the Act, who performs statutory duties. See, the decision of the Supreme Court in case of S.P. Goel v. Collector, AIR 1996 SC 839. Besides, if additional excess amount of stamp duty and registration charges were charged then the remedy of the appellant was to file an appeal under Section 47A of the Indian Stamps Act and not a complaint under the Act.

3. THE submission that the capital interest could not be included in the cost of the plot cannot be accepted as the cost of the plot includes capital interest that is the view of this Commission in Appeal No. 1833/1999, decided on 22.6.2001, M.P. Housing Board v. Dr. R.P. Singh.

4. IN the result, the appeal fails and is dismissed with no order as to costs. A copy of this order be conveyed to the parties and a copy be sent to the District Forum alongwith record of the case. Appeal dismissed.