
(1994) 05 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

C.M.JOSEPH

APPELLANT

Vs

DISTRICT COLLECTOR, COIMBATORE

RESPONDENT

Date of Decision : 04-05-1994

Acts Referred:

Citation : 1994 0 NCDRC 140 : 1994 3 CPJ 49

Hon'ble Judges : V.BALAKRISHNA ERADI , Y.KRISHAN , B.S.YADAV J.

Judgement

1. WE do not find any illegality or jurisdictional error in the order passed by the State Commission. Hence the Revision Petition is dismissed. Mr. Y. Krishan, Member "I agree. This is yet another instance of the gross abuse of the Consumer Protection Act. The complainant before the District Forum had asked for refund of security deposit, proportionate license fee and the value of the Indian Manufactured Foreign Liquor (I.M.F.L.) frozen and confiscated in 1973-74, in 1981-82 and in 1983-84. The licence granted in 1983-84 was suspended on the ground of some illegal activities being carried on by the complainant and eventually his licence was cancelled in June, 1986.

2. AS the State Commission has pointed out, "The complaint relates to licence granted by the Government to the complainant for running I.M.F.L. shops and the security deposit made therefor, the license fee paid and compensation for cancelling the licence". The State Commission has observed that "The right to sell IMFL is auctioned by the Government in public, licence fee and security deposits are collected from the successful bidder who has to pay the auction amount in instalments. In auctioning the right to sell I.M.F.L. and in collecting licence fee and security deposits for running I.M.F.L. shops, the Government are not doing any service to the bidders or even to the successful bidders. The Opposite Parties are performing their statutory functions under the Excise Act in pursuance of the policy of the Government. By no stretch of imagination can the Government be said to be doing any service and the complainant cannot claim to have hired the services of the Opposite Parties in issuing of licence for running the I.M.F.L. shop or receiving security deposit. He is not, therefore, a consumer

within the meaning of the Act". The Revision Petitioner has prosecuted merrily his complaint before the Consumer Forums because these are free Forums.