

(1992) 02 NCDRC CK 0006

In the National Consumer Disputes Redressal Commission

CONSUMER PROTECTION COUNCIL, AHMEDABAD

APPELLANT

Vs

NATIONAL DIARY DEVELOPMENT BOARD

RESPONDENT

Date of Decision : 25-02-1992

Acts Referred:

Citation : 1992 0 CPC 335 : 1992 0 NCDRC 83 : 1992 1 CPJ 250 : 1992 1 CPR 553 : 1993 1 CLT 295

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

Advocate : YASHANK PRAVIN ADHYARU , N.K.SAHU , V.BHUSHAN ARYA , VIMAL ROY , ANIP SACHTHEY

Judgement

1. THIS complaint petition was originally instituted before the Consumer Disputes Redressal Commission, Gujarat at Ahmedabad. Subsequently, it was withdrawn and taken on the file of this Commission in view of the fact that the abetments in the complaint petition clearly disclosed that the valuation of the subject-matter of the complaint was far in excess of Rs. 10 lakhs.

2. THE complainant is the Consumer Protection Council, Ahmedabad, which is a registered Consumer Association. The first Opposite Party in the petition is the National Dairy Development Board (hereinafter referred to "N.D.D.B."). The second Opposite Party is the Ministry of Food and Civil Supplies, Government of India, New Delhi. It is stated in the complaint petition that the Ministry of Civil Supplies, Government of India had entrusted the N.D.D.B. with the task of creating a buffer stock of about five lakhs tons of edible oil in the entire country for the purpose of ensuring that there is no scarcity or excessive rise in prices in regard to edible oil and that the same is made available at reasonable prices to the consumers. It is further averred that the aforesaid function was entrusted to the first Opposite Party with the object of controlling and minimising price fluctuations in the edible oil market and thereby to safeguard the interests of the farmers growing groundnuts and also to protect the interests of the consumers from exploitation by unreasonable and high prices being charged from them. One

of the grievances put forward in the complaint is that instead of taking steps to ensure that the price of edible oil did not rise unreasonably, the N.D.D.B. and its affiliated Cooperative Societies effected purchases of fifty to seventy thousand tons of ground-nut oil at prices ranging between Rs. 16,000/- to Rs. 20,500/- per ton during the months of April to July, 1989 and as a consequence thereof, the price of ground-nut oil swelled to Rs. 25,000/- per ton during the scarcity months (August to October) of 1989 when fresh stock would not be available in the market. It is further alleged in the complaint that in spite of the N.D.D.B. having such huge stocks with it, it did not release the stocks in the market during the months commencing from August, 1989 and allowed the market price of ground-nut oil to rise to unprecedented levels. Thus the entry of the first Opposite Party into the field of trading in groundnut oil is said to have adversely affected the interests of consumers. The complainant states that in acting as aforesaid the N.D.D.B. had contravened the guidelines issued to it by the Ministry of Civil Supplies, Government of India. According to the complainant the N.D.D.B. was indulging in hoarding of the goods by entering the market and purchasing about 20 per cent of the total ground-nut production in the State of Gujarat and thereafter in refusing to sell the goods or to make them available for sale resulting in rise in the costs of goods to the consumers in Gujarat. After elaborating the aforesaid allegations, the complainant has prayed for the grant of the following reliefs in the concluding paragraph No. 17 of the complaint petition: "½ (A) That the first Opposite Party be directed to release the stock of ground-nut oil in the State of Gujarat forthwith and thus safeguard the interest of the consumers and issue further directions as to the manner and method of releasing the said stock of ground-nut oil. (B) That the Hon"ble Commission may issue further directions to the first Opposite Party to formulate a proper, reasonable and balanced market policy with regard to the purchase and sale of ground-nut oil from and in the State of Gujarat by the first Opposite Party and its affiliated cooperative societies and other bodies who are functioning under the control and supervision of the first Opposite Party. (C) That directions be issued to the second Opposite Party to lay down and revise, if necessary, guidelines issued by it to the first Opposite Party in this behalf and to evolve, a mechanism for maintaining proper check and supervision over the activities of the first Opposite Party and to entrust to the third Opposite Party the task of supervising and controlling the operations of the first Opposite Party in that behalf. (D) That the third Opposite Party be directed to exercise supervision and control with the cooperation with the second Opposite Party over the activities of the first Opposite Party in connection with purchase and sales of ground-nut oil in the State of Gujarat under the Essential Commodities Act or any other law in that behalf and to see that the interests of the consumers are protected and they be prevented from being exploited by unreasonable price rise in this essential commodity. (E) The Hon"ble Commission may grant such other and further relief as deemed fit in the facts and circumstances of the case."

3. THE reliefs which can be granted by a Redressal Forum constituted under the

Act are only those enumerated in Clauses (a) to (d) of Sub-section (1) of Section 14 of the Consumer Protection Act, 1986. That Sub-section reads as under: "14(1) If, after the proceeding conducted under Section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the Opposite Party directing him to take one or more of the following things, namely: (a) to remove the defect pointed out by the appropriate laboratory from the goods in question; (b) to replace the goods with new goods of similar description which shall be free from any defect; (c) to return to the complainant the price, or, as the case may be the charges paid by the complainant; (d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the Opposite Party."

4. NONE of the reliefs prayed for by the complainant fall within the ambit of Clauses (a) to (d) of Section 14(1) of the Act. Hence it must be held that the approach made by the complainant to the Redressal Commission constituted under the Consumer Protection Act seeking the reliefs aforementioned is clearly misconceived. This petition has to fail on the above ground. In view of what we have stated above, we are not called upon to investigate into the merits of the allegations contained in the petition nor is it necessary to deal with the question whether "public interest petition" on behalf of an indefinite number of unidentified persons who may all be aggrieved by some "defect" or "deficiency" is maintainable under the Consumer Protection Act.

5. THE Original Petition is accordingly dismissed. There will be no order as to costs.