

(1992) 03 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

CYMA EXPORTS (PVT.) LTD.

APPELLANT

Vs

DEVAIAH CHOURIRA

RESPONDENT

Date of Decision : 12-03-1992

Acts Referred:

Citation : 1992 3 CPJ 34

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Final Decision : Revision Petition disposed of

Judgement

1. THE State Commission has considered only the preliminary question as to whether the complainants before it are consumers entitled to seek relief under the Act and in the light of the decision rendered by this Commission in U.P Avas Evam Vikas Parishad v. Garima Shukla I (1991) CPJ 1 (NC) it has taken the view that the Complainants are Consumers entitled to maintain the petition. THE correctness of the view taken by us in Garima case and in another connected case Lucknow Development Authority v. M.M. Sood (F.A. No. 10 of 1990) II (1992) CPJ 499 (NC) - is under examination of the Supreme Court in an appeal which is pending before it against the latter decision. Until the Supreme Court finally decides the said question we do not consider it proper to deal with the preliminary point raised on behalf of the Revision Petitioner herein. At the same time, we do not think it would be consistent with the scheme of the Consumer Protection Act indefinitely to hold up the adjudication proceedings pending before the State Commission. Hence we would direct the State Commission to proceed to deal with the other issues in the case and record its findings on these issues also so that the entire matter maybe considered by us after the Supreme Court gives its final decision in M.M. Sood's case. For the present, we decline to interfere with the Order passed by the State Commission and defer our consideration of the preliminary point to the stage when the entire case is brought up before us by either side We make it clear that nothing contained herein will operate to the prejudice of the Revision Petitioner in the matter of his raising all his please before this Commission, if found necessary at a later stage inclusive of the preliminary question as to whether the original petitioners

(Opposite Parties herein) are consumers.

2. THESE Revision Petitions are disposed of as above. There will be no direction regarding costs. Revision Petition disposed of.