
(2012) 08 NCDRC CK 0101

In the National Consumer Disputes Redressal Commission

Delhi State Consumer Disputes Redressal Commission Delhi APPELLANT
Vs
Pind Balluchi Restaurant RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : 2012 0 NCDRC 422

Hon'ble Judges : J.M.Malik , Vinay Kumar J.

Advocate : Sachin Mittal

Judgement

1. 1. THE petitioner/complainant, Nitin Mittal took dinner at Pind Balluchi Restaurant/respondent in this case. He also took some packed food. Some food items were the same. THE complainant had to pay more amount for the dinner which he took in the restaurant and less amount for the packed items. It was contended that this was "unfair trade practice" and filed a complaint before the District Forum. He claimed Rs.2.25. lakh towards compensation and Rs.11,000/- towards cost of litigation.

2. BOTH the foras below have rightly given the short shrift to this matter and refused to entertain the complaint.

3. WE have heard the learned counsel for the petitioner. He has invited our attention to one of the items i.e. Dal Makhni. He has also shown the following chart in the revision petition which is reproduced as under:-

Food Item Dining Category Take and Away Dal Makhni	99.00	84.00
Discount (10%)	_____	8.40
Taxable amount	99.00	75.60
Vat (12%)	12.38	9.45
Service Charge (5% on 99/-)	4.95	
Amount Payable	116.33	93.45

He picked up a conflict specially with the service charge amounting to Rs.4.95/-. He argued that the difference of amount between Dal Makhni supplied there and take and away, is enormous. He opined that the difference between the two must be negligible.

4. THE learned counsel for the petitioner instead of touching the heart of the problem, just skirted it. It is now well established that consumer courts on the issue of pricing do not interfere in such matter as it is the discretion of the

concerned restaurant to charge the price of the items as they wish. In fact it is the proposal from their side to the customers to accept the same or not. It is a contractual matter between the parties - one proposes and the other accepts. Consumer courts on both the counts cannot interfere in the business terms of the parties and the complaint cannot be admitted.

5. IT must be borne in mind that there has to be some difference in price in respect of food served in the restaurant itself and packed food. For the food which is served in the restaurant itself, the owner of restaurant has to incur money for furniture, carpets, Air-conditioners, fans, waiters, cleaning, moping and dusting the restaurant, maintenance of reception etc.; for packed food, there is no need to give such like services. The complainant has made a vain attempt to make the bricks without straw. Foras below have nowhere missed the wood for tree. We add our voice to theirs and dismiss the revision petition.