

(1991) 07 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

FARMERS DEVELOPMENT AGENCY

APPELLANT

Vs

MANAGING DIRECTOR, KARNATAKA STATE SMALL
INDUSTRIES DEVELOPMENT CORPORATION LTD.

RESPONDENT

Date of Decision : 22-07-1991

Acts Referred:

Citation : 1992 1 CPJ 256

Hon'ble Judges : R.G.Desai , K.R.Ramaswamy Iyengar , Sudha V.Reddy J.

Final Decision : Appeal dismissed

Judgement

1. THE complainant filed an application for allotment of a shed for establishing small scale industry in the Industrial Estate of Muddenahalli, to the Respondent. THE respondent allotted a shed bearing No. D. 2 to the complainant under a higher purchase agreement. According to the complainant, there is no water supply to the shed and hence he has filed this complaint for directing the respondent to supply water and to remove other defects in the shed.

2. SOME of the defects pointed out by the complainant were rectified by the respondent. The respondent has filed a Memo stating that Muddenahalli being a drought prone area and due to failure of monsoon during the previous year, water supply cannot be arranged. That apart, this is a sale of immovable property under higher purchase agreement between the complainant and the respondent. The conditions are laid down in the letter of the allotment produced by the complainant himself. If at all there is any breach of conditions of said agreement, he could approach the Civil Court for remedy. So far this Commission is concerned, his complaint can be entertained only if the complainant is a consumer. From the facts stated above, it is clear that the complainant has neither purchased of goods nor hired services for consideration. Hence, complainant will not be a consumer falling within Section 2(1)(d) of the Consumer Protection Act, 1986. If that is so, the complaint cannot be entertained by this Commission. Hence, the complaint is dismissed. No costs. Appeal dismissed.