

(2009) 05 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

Gyan Chandra Sharda

APPELLANT

Vs

Prabhari Sachiv Kshetriya Sadhan Sahkari Samiti And Ors.

RESPONDENT

Date of Decision : 08-05-2009

Acts Referred:

Citation : 2009 3 CPJ 19

Hon'ble Judges : ASHOK BHAN , B.K.TAIMNI J.

Advocate : S.K.SHARMA , S.P.SINGH CHAUDHARY , Navdeep , MANISH PATHAK , RAM CHANDER , OM PRAKASH

Judgement

1. PETITIONER herein, who was the Complainant before the District Consumer Disputes Redressal Forum, Jalaun (hereinafter referred to as the District Forum" for short), has filed the present Revision Petition.

2. THE case of the petitioner is that he purchased 150 kilograms of Soyabeen seeds at a price of Rs. 2,010, on 5.7.2004 from Prabhari Sachiv, Kshetriya Sadhan Sahkari Samiti, Kadaura, District Jalaun, Uttar Pradesh -respondent No. 1 herein. Respondent No. 2 is the grower of the seeds. Respondent No. 3 certifies the seeds to be of good quality and respondent No. 4 is the supplier of the seeds and respondent No. 5 is the Collector of the District. According to the petitioner, the seeds were defective and the yield was only 15% instead of guaranteed yield of 70%. Petitioner made a complaint to the District Magistrate who referred the matter to the Assistant Registrar, Cooperative Societies, Orai (with a copy to the Society). The petitioner, thereafter, filed a complaint before the District Forum.

3. DISTRICT Forum, after examining the material on record, concluded that the seeds as supplied were defective and directed respondent Nos. 1 to 3 to compensate the petitioner. Interest @ 9% was awarded. Aggrieved against the Order passed by the District Forum, respondent No. 1 filed an Appeal before the State Consumer Disputes Redressal Forum, Lucknow, Uttar Pradesh (hereinafter referred to as the State Commission" for short). State Commission allowed the Appeal and set aside the Order of the District Forum and ordered the complaint to be dismissed. State Commission came to the conclusion that there was

nothing on record to show that the seeds supplied were defective. The cause for less production was due to excessive rains which resulted in lower yield. We agree with the view taken by the State Commission.

4. IN the absence of any report from any Laboratory or an Expert in Agriculture to the effect that the seeds supplied were defective, it cannot be held that the seeds supplied were defective.

5. IN the aforementioned circumstances, we find no infirmity in the Order passed by the State Commission calling for our interference. Dismissed with no costs. R.P. dismissed.