

(1994) 02 NCDRC CK 0043

In the National Consumer Disputes Redressal Commission

K.A. KADER

APPELLANT

Vs

DIRECTOR, T.N.A. D.U. MILK PRODUCERS' FEDERATION

RESPONDENT

Date of Decision : 15-02-1994

Acts Referred:

Citation : 1994 3 CPJ 262

Hon'ble Judges : S.A.Kader , R.N.Manickam , Ramani Mathuranayagam J.

Final Decision : Appeal dismissed

Judgement

1. THE appeal arises out of the order of the District Consumer Redressal Forum, Coimbatore, dated 14.7.93 in O.P. No. 335/92. THE Complainant, who has succeeded in part is the appellant.

2. THE only point that is argued by the learned Counsel for the Appellant is that of increasing the price of milk sold by the Opposite parties. A litre of milk was being sold previously at Rs. 5/- and from 25.1.92, it has been increased to Rs. 6/-. This increase in the price of milk has been argued before the District Forum. Among other grounds the District Forum rejected the claim on the ground that the Forum constituted under the Act can not go into the question of /fixing of the prices. This point was held so by the National Commission in "The Manager Milk Chilling Centre, Mahaboob Nagar v. Citizens Council" and by this Commission in "Consumer Action Group, Rep by its Executive Director, Mrs. Anuradha Vasudev v. The Tamil Nadu Co-operative Milk Producers" Federation" in O.P. No. 3/91. The District Forum has, therefore, rightly rejected the claim. It is this portion of the order that is challenged in the appeal.

Under Section 2(1)(c)(iv) of the Consumer Protection Act, "A trader will be liable if he has sold his goods in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package countaining such goods". The trader can be, therefore, charged with unfair trade practice, if he sells any goods in excess of the price fixed by or under any law. It displayed on the goods in the instant case. The Managing Director, Tamil Nadu Co-operative Milk Producers" Federation has issued a telegraphic message to the Opposite

Parties for increasing the price of milk by Re. 1/- from 25.1.92. It is in pursuance of this telegraphic message the Opposite Parties have been selling the milk at Rs. 6/-. This is a matter which can not be considered by the Forum constituted under the Act as rightly held by the District Forum.

3. IT is then argued by the Learned Counsel for the Appellant that usually, the increase in price could not be effected on 25.1.92, i.e., in the middle of the month. The telegraphic informatoin is specific that the existing price shall be increased by Re. 1/- from 25.1.92. IT is this telegraphic message that has compelled the Opposite Parties to increase the price of milk. No other point is urged before us. In the result, the appeal fails and is dismissed but without costs. Appeal dismissed.