

(1996) 04 NCDRC CK 0038

In the National Consumer Disputes Redressal Commission

KAUSAL KISHORE DUBEY

APPELLANT

Vs

HINDUSTAN STEEL WORKS CONSTRUCTION LTD

RESPONDENT

Date of Decision : 24-04-1996

Acts Referred:

Citation : 1997 2 CPJ 244

Hon'ble Judges : V.K.Mehrotra , Banarsi Das J.

Final Decision : Complaint disposed of

Judgement

1. THE complainant performed some work for the opposite parties 1 and 2 (Hindustan Steel Works Construction Ltd. and the Chief .Project/Senior Project Manager of the Hindustan Steel Works) under some contractual terms in pursuance whereof a letter of intent had also been issued by these opposite parties. THE case of the complainant is that initially there was an arbitration clause in the agreement but subsequently it was (deleted. THE complainant was made to undertake some extra work for which payment is not being made by these opposite parties. As such; he had to approach the State Commission for relief through, represent complainant

2. THE grayer clause contains two principal reliefs which the complainant expects to get from the Commission First, that the first, two opposite parties may be directed to pay the entire amount of Rs. 18,44,000/-to the complainant as per the terms of the contact and, secondly, that the third opposite party,(Chief Manager, State Bank of India, Shakti Nagar, Sonebhadra) be directed not to proceed with the recovery proceedings against the complainant who has a current account with it On the own allegation of the complainant it is obvious that he has. not availed of any "service" from .the first -two. Opposite parties nor could he be characterised as a "consumer" within the meaning of these terms as defined in the "Consumer Protection Act, 1986. The remedy under this Act has been sought under" a mis-apprehension of law

We hold ;that in the circumstances of the present case the complaint "cannot be" entertained or decided on its merits-by the Commission, The complainant may

pursue, such, other remedy which may be available to him .in. law before the appropriate Court or authority in the matter. The complaint is disposed of without going into its merits

3. LET a copy of this order be made available to the Counsel for the complainant within three days. In view of the order passed on the complaint no further order is needed on the application for an interim order. File. Complaint disposed of.