

(1999) 10 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

MADHUKANT PREMI

APPELLANT

Vs

DISTRICT SUPPLY OFFICER

RESPONDENT

Date of Decision : 21-10-1999

Acts Referred:

Citation : 1999 3 CPJ 504

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal against the judgment and order dated 16.4.1999 passed by District Consumer Forum, Hardwar in Complaint Case No. 386/1995.

2. THE facts of the case stated in brief are that the complainant owns a ration card which was issued by opposite party No. 1 District Supply Officer. This ration card was previously attached to the shop of opposite party No. 4, but thereafter it was attached to the shop of opposite party No. 3. In January, 1995 the complainant took ration from opposite party No. 3 and thereafter applied for transfer of this ration card for attaching it to shop of opposite party No. 4. This transfer was done in the first week of January by District Supply Office. He got this fact noted at the shop of opposite party No. 4 but he did not permit him to draw the ration for the month of February saying that it shall be delivered by the shop of opposite party No. 3. He went to the shop of opposite party No. 3 but he refused to supply ration saying that the same has been transferred to shop of opposite party No. 4. He moved an application before the District Supply Officer on 14.2.1995, but he was informed that the ration for the next month will be available. According to the complainant this is against the provisions of law as his ration card was transferred to another shop from which it was attached before. Opposite party Nos. 1 and 2 filed joint written statement and admitted the version of the complainant. According to opposite parties the complainant went to the shop of opposite party No. 3 and got his ration card cancelled in February, 1995 for which complainant had no right without taking permission from the Divisional Office. If the ration card was got to be cancelled, it was to be done

after drawing the ration for the month of February from the shop of opposite party No. 3. Hence ration for the month of February could not be given to the complainant. 4 The learned District Forum after considering the case of the complainant came to the conclusion that there was deficiency in service on behalf of the opposite party Nos. 1 and 2. Hence it ordered for supply of ration for the month of February, 1995. 5. Aggrieved against the order, the appellant has come in appeal and has challenged the correctness of the order passed by the District Forum. 6. We have heard the learned Counsel for the parties and perused the evidence on record. 7. The learned Counsel for the appellant has argued that the District Forum has no jurisdiction to try this complaint. According to him it is merely the statutory duty and no service charges are paid by the complainant to the appellant. It is a social service which has been undertaken by the State Government for distributing ration to persons who require the same at concessional price. It is distributed through the Public Distribution System and the Government does not charge any amount from allottees of ration card for rendering the service. The entire burden is borne by the State Government and the complainant gets the service free of cost and the material supplied to them is also at concessional price which is lower than the market price. 8. Thus in view of what we have said above, the learned District Forum has no jurisdiction to try this complaint and the same is liable to be dismissed. Hence the appeal is liable to be allowed. ORDER The appeal is allowed and the judgment and order of the learned District Forum are set aside. The complaint is dismissed. There is no order as to the cost. Let copy of this order be made available to the parties as per rules. Appeal allowed.