

(2017) 03 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

Case No : 2129 of 2016

MAHARASHTRA HYBRID SEEDS COMPANY?PRIVATE LTD Vs JAGDISH KUMAR & ANR

Date of Decision : 15-03-2017

Acts Referred:

Citation : 2017 2 CPR 329

Hon'ble Judges : V.K. Jain

Advocate : Ankit Swarup, Tanya Swarup

Judgement

1. The complainant, Jagdish Kumar who is a farmer by profession purchased three packets of seeds from the petitioner company and sowed the said seeds in his fields. Alleging inadequate germination, he reported the matter to the Assistant Plant Protection Officer, Abhor who constituted a team of five officers to inspect the field of the complainant in order to verify his complaint. The report submitted by them to the Assistant Plant Protection Officer, Abhor to the extent it is relevant reads as under:- " The farmer present on the spot showed his about Four Acre affected field of Nikki (SRC-7017) cotton plants about two to three feet high with 3 to 20 balls per plant and having 40 to 45 percent leaf curl infestation. White Fly attack in the field of this farmer was below the limit prescribed for loss. This field had already suffered much from Tobacco Caterpillar attack because the leaves on almost all the plant had been eaten by the Caterpillar."

2. Based upon the aforesaid report and alleging defect in the seeds sold to him by the petitioner, the respondent approached the concerned District Forum by way of a consumer complaint seeking compensation etc.

3. The complaint was resisted by the petitioner company primarily on the ground that there was no defect in the seeds sold to the complainant.

4. The District Forum vide its order dated 19.7.2013 directed the petitioner to pay a sum of Rs.1,48,000/- to the complainant along with interest @ 8% p.a. from the date of the complaint and the cost of litigation quantified at Rs.5,000/-.

5. Being aggrieved from the order passed by the District Forum, the petitioner

approached the concerned State Commission by way of an appeal. The said appeal having been dismissed vide impugned order dated 9.3.2016, the petitioner is before this Commission.

6. A perusal of the report of the field officers which was the sole basis of the consumer complaint filed before the District Forum shows that it does not give any reason for the crop not having germinated to the optimal extent and having 40 to 45% leaf curl infestation. Similarly it gives no reason for White Fly attack in the field of the farmer, being below the limit prescribed for the loss. It refers to the damage caused by Tobacco Caterpillar but gives no cause for the said attack in the field. To be more precise, this was not the report of the field officers that the loss to the complainant had happened on account of the defective seeds having been sown in the field. In the absence of such a finding, the report of the field officers did not prove any defect in the seeds purchased by the complainant.

7. The first purchase of seeds was made by the complainant on 22.5.2012 and the seeds purchased by him were of lot no.100299. The second purchase was made by him on 26.5.2012 and was of lot no.100495. The report dated 14.4.2012 issued by the Quality Control Authority of the petitioner shows that the seeds of lot no.AKB100299X had 99.6% purity. The report dated 10.5.2012 issued by the aforesaid laboratory would show that the seeds of lot no.AKB100495X had 99.9% purity. The above-referred laboratory reports, clearly show that there was no defect in the seeds purchased by the complainant. The aforesaid reports coupled with the fact that no cause for the damage to the crop was given in the report of the field officers is more than adequate to rebut the case set out by the complainant alleging defect in the seeds purchased by him. The impugned orders, therefore, cannot be sustained and are liable to be set aside.

7. For the reasons stated hereinabove, the impugned orders are set aside and the complaint is dismissed with no order as to costs. The revision petition stands disposed of.