
(2003) 08 NCDRC CK 0065

In the National Consumer Disputes Redressal Commission

M.P. STATE SEEDS And FARM DEVELOPMENT CORPORATION APPELLANT
Vs
Pushpraj Singh RESPONDENT

Date of Decision : 30-08-2003

Acts Referred:

Citation : 2004 2 CPC 116 : 2004 2 CPJ 140

Hon'ble Judges : B.L.Khare , Pramila S.Kumar J.

Advocate : M.S.Tahalramani , Kiran Singh , Bharati Arora

Judgement

1. THE aforesaid two appeals arise out of the order dated 7.9.2001 passed in Case No. 66/2000 by the District Consumer Disputes Redressal Forum, Satna (for short the "District Forum"). Aggrieved of the order, opposite party Nos. 1 and 3/ M.P. State Seeds and Farm Development Corporation filed their Appeal No. 1644/2001 while the opposite party No. 2-Seeds Certifying Officer has filed Appeal No. 1282/2002.

2. FACTS of the case, in brief, are thus : The complainant/respondent purchased soyabean seed J.S. 335 for Rs. 14,497/- and Rs. 10,750/-, total Rs. 25,247/- from the opposite party No. 1 and No. 3 - M.P. State Seeds and Farm Development Corporation. The said seeds were sown in the field by the complainant in the presence of the Agriculture Development Officer on 14.7.1998 and 15.7.1998, but till 18.7.1998 the seeds did not germinate. The complainant/respondent sent an information to the Deputy Director, Agriculture, Satna (Annexure A/3). The Deputy Director, Agriculture instructed the officials to inspect the field of the complainant. On that, an inspection was conducted and a Panchanama was prepared on 21.7.98 (Annexure A/4) in which it was found that the seeds had not germinated. Therefore, the complainant/respondent filed a complaint alleging that defective seed was supplied by the opposite parties, therefore, he suffered a huge loss of Rs. 3,64,500/-. He submitted that he spent in purchase of manures, Rs. 5,500/- in purchase of pesticides and Rs. 12,000/- for ploughing the field. The complaint was resisted before the District Forum. The District Forum after appreciation of evidence produced before it, held that the

opposite parties were deficient as they supplied defective seeds to the complainant, which is evident from the Panchanama, (Annexure A/4) prepared by the official of the Deputy Director, Agriculture, hence ordered to the opposite parties, jointly or severally to return the costs of the seeds, compensation of Rs. 12,000/- for not getting the crops from the field and expenses incurred a total Rs. 40,000/- with interest thereon at the rate of 9 per cent per annum from 7.9.2001, along with Rs. 500/- as costs of the proceedings. After hearing learned Counsel for the parties and on perusal of the record of the case, we find that the order of the District Forum so far it relates against the opposite party/Seeds Certifying Officer, cannot be sustained as the Seeds Certifying Officer has not supplied the seeds, therefore, question of making him liable to pay jointly or severally does not arise.

From the record we find that the complainant had approached the District Forum against the seed J.S. 335 which was supplied by Seed Corporation charging cost price and certification fees of Rs. 12,900/- + Rs. 10,750/- and Rs. 1,597/-, i.e. total of Rs. 25,247/-. But we do not find any reason to award cost of ploughing, manuring and pesticides because they are useful for the fields and this cost is compensated in the coming agriculture season, therefore, this part of the order is set aside.

3. IN such circumstances, the ends of justice would meet if the opposite party Nos. 1 and 3/M.P. State Seeds and Farm Development Corporation are directed to return the cost price of Rs. 25,247/- with interest thereon at the rate of 9 per cent per annum from the respective dates of purchase of the seeds along with Rs. 500/- as costs of the proceedings, which shall be paid within a period of two months from the date of receipt of certified copy of this order, failing which the amount shall carry interest at the rate of 12 per cent per annum. In the result, the Appeal No. 1282/2002 filed by the Seeds Certifying Officer is allowed, while the Appeal No. 1644/2001 filed by the opposite party Nos. 1 and 3/M.P. State Seeds and Farm Development Corporation is partly allowed. The order of the District Forum shall stand modified as indicated hereinabove. In the circumstances, parties to bear their own costs of these appeals. A copy of this order be conveyed to the parties and a copy be sent to the District Forum along with the record of the case. Ordered accordingly.