

(1994) 06 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

MUKTA KALYAN MANDAPAM

APPELLANT

Vs

N. RADHAKRISHNA

RESPONDENT

Date of Decision : 16-06-1994

Acts Referred:

Citation : 1994 0 CTJ 95 : 1994 3 CPJ 54

Hon'ble Judges : V.Balakrishna Eradi , Y.Krishan , B.S.Yadav J.

Final Decision : Petition allowed

Judgement

1. -AFTER hearing Counsel appearing on both sides we are clearly of the view that the State Commission ignored the fundamental fact that, even according to the case of the complain- ant before it, there was no deficiency in service on the part of the respondent inasmuch as the agreement for making the Kalyana Mandapam available to the complainant on the particular day had not in any manner been breached by the Opposite Party. The grievance put forward by the complainant was that he had paid the hiring charges in full while booking the Kalyana Mandapam for the particular date but, subsequently, he cancelled that booking and wanted to get a refund of the money but such refund was wrongly denied to him. In defence it was contended by the Opposite Party that the contract entered into by the parties contained a clear and specific stipulation that under no circum- stances would a refund of the deposit be granted in the event of cancellation of the booking. The dispute as to whether the refund should have been allowed or not does not fall within the scope of the Consumer Protection Act so long as no deficiency in service is alleged of made out. The petitioner may urge his claim before the Civil Court and he will be at liberty to do so notwithstanding the dismissal of the present complaint as per this order. We set aside the order of the State Commission and dismiss this complaint petition. The Revision Petition is allowed as above. The parties will bear their respective costs. Petition allowed.