
(1991) 06 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

NATIONAL DAIRY DEVELOPMENT BOARD.

APPELLANT

Vs

CONSUMER PROTECTION council

RESPONDENT

Date of Decision : 08-06-1991

Acts Referred:

Citation : 1991 0 CPC 498 : 1992 2 CPJ 427

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

Advocate : C.Ramaswamy , S.Mukherjee , S.P.Mago , Pawan Kumar Bahl

Final Decision : Allowed

Judgement

1. AFTER hearing the learned Attorney General on behalf of the Appellant and giving our best consideration to all aspects arising in the case we are of opinion that the Appellant is well founded in its contention that the impugned interlocutory Order passed by the State Commission is totally beyond the scope of the powers conferred on the Consumer Protection Act, 1986. Section 14(1) of the Act enumerates the reliefs that can be granted by a Redressal Forum constituted under the Act. It is obvious that any relief that cannot be granted even by a final order passed under Sec. 14(1) cannot be given by a Redressal Forum by means of an interlocutory order for the passing of which there is no warrant under any provision of the Act. On a careful examination it is seen that none of the directions issued by the State Commission under the impugned order falls within the scope of Sec. 14(1) of the Act. Hence we set aside the impugned order of the State Commission. This appeal is allowed to the above extent.

2. IT is expressly stated in paragraph 15 of the complaint petition which pertains to the valuation of the case that "the loss or damage caused to the Consumer exceeds Rs. One lakh but does exceed Rs. 10 lakhs per day. From this it is clear that the valuation of the subject matter of the complaint goes very much above Rs. 10 lakhs. The complaint petition, therefore, could not have been validly filed before the State Commission whose upper limit of pecuniary jurisdiction is only Rs. 10 lakhs. IT follows that the proper Forum before which the complaint

petition should have been presented is only the National Commission. Since the matter has already come up before us in this appeal against the interlocutory order, we consider it proper to invoke our power Sec. 21(b) of the Act and withdraw the case from the file of the State Commission, Gujarat to the file of this commission." IT is ordered accordingly. Ordered accordingly.