

(2008) 08 NCDRC CK 0045

In the National Consumer Disputes Redressal Commission

NIIT LTD

APPELLANT

Vs

GANESH HEBBAR

RESPONDENT

Date of Decision : 06-08-2008

Acts Referred:

Citation : 2008 4 CPJ 171

Hon'ble Judges : K.S.Gupta , S.K.Naik J.

Advocate : S.Balaji , Sanjay Chaudhary

Judgement

1. -THIS order will govern the disposal of RP Nos. 1050 of 2007, 1051 of 2007, 1052 of 2007 and 1053 of 2007 which arise out of the same order dated 11. 12. 2006 of Karnataka State Consumer Disputes Redressal Commission, Bangalore allowing appeal Nos. 709 of 2006, 710 of 2006, 711 of 2006 and 712 of 2006 separately filed by the respondents/complainants against the order dated 2. 12. 2005 of a District Forum dismissing their complaints bearing Nos. 602 of 2005, 603 of 2005, 606 of 2005 and 607 of 2005. In terms of the said order dated 11. 12. 2006, the matter was remitted back to the District Forum for deciding the complaints afresh on merit.

2. AS may be seen from para No. 4 of the impugned order according to the State Commission the District Forum had dismissed the complaints on the grounds of (i) there being no privity of contract, (ii) Gandhi Bazaar center having not been made a party to the complaints and (iii) respondents/complaints not having approached the District Forum immediately when the service was denied to them. As may further be seen from para 6 of the order as per the State Commission, the district Forum had not decided the complaints on merit and, therefore, the matter required re-consideration by the District Forum on merit. We have been taken through the order dated 2. 12. 2005 of the District Forum by the parties learned Counsel. Discussion made in para 8 of District Forum's order would show that it returned the finding of their being no privity of contract between the petitioners/opposite parties and the respondents on merit after considering the various sections of the license agreement entered into between

petitioner No. 1 and M/s. Sri Benak Softek Pvt Ltd. represented by Mr. Anil Kumar Sood. Discussion made in para 9 of the Forum's order would further show that the petitioners were held to be not answerable to the grievance of the respondents experienced at Gandhi Bazaar centre on ground of said M/s. Sri Benak Softek Pvt. Ltd. not being arrayed as a party to the complaint on merits. Discussion made in the said para would also reveal that the respondents were held to be not entitled to the reliefs claimed on merit as the respondents/complainants other than in complaint case No. 603 of 2005 had abandoned the course after closure of Gandhi Bazaar Centre and respondent/complainant in complaint case No. 603 of 2005 who continued the course at petitioner No. 3's Jayanagar Branch and completed the professional practice from M/s. Macs Infosolution (India) Ltd. from 16. 2. 2004 to 20. 2. 2005, had never complained as to the quality of education, mode of education and treatment given by petitioner No. 3 before filing of the complaint and the complaints having not been filed promptly before the Forum. We are, thus, unable to agree with the conclusion reached by the State Commission of the complaints not having been decided on merits by the District Forum. Order by the State Commission in setting aside the order of District Forum and remanding the case back to the District Forum thus being legally erroneous, deserves to be set aside. Accordingly, while allowing revision petitions, aforesaid order dated 11. 12. 2006 is set aside and case remanded to the State Commission for appeals being decided afresh on merit.

Parties will appear before the State Commission on 10. 9. 2008 for directions. No order as to costs. R. Ps. allowed.