
(2006) 01 NCDRC CK 0048

In the National Consumer Disputes Redressal Commission

NURSERYMEN CO-OPERATIVE SOCIETY LTD.

APPELLANT

Vs

KASI VISWANATH

RESPONDENT

Date of Decision : 24-01-2006

Acts Referred:

Citation : 2007 1 CPJ 244

Hon'ble Judges : K.S.Gupta , Rajyalakshmi Rao J.

Final Decision : Revision Petition dismissed

Judgement

1. IN this revision, challenge is to the order dated 25.7.2005 of Karnataka State Consumer Disputes Redressal Commission, Bangalore dismissing appeal against the order dated 30.10.2003 of a District Forum whereby petitioner/opposite party was directed to pay a sum of Rs. 1,50,000 with interest etc. to the respondent/complainant.

2. RESPONDENT owns two acres of land and he paid Rs. 10,000 as advance on 22.8.2000 and Rs. 4,500 on 22.9.2000 to the petitioner for purchase of 1450 banana tissues culture plants. RESPONDENT alleged that he spent a sum of Rs. 12,650 on purchase of manure and pesticides and incurred Rs. 40,000 towards labour charges. Though, the banana plants purchased were planted as per the advice of petitioner but when the plants reached the stage of yielding, it was noticed that 80% of the plants were not of the variety sold. RESPONDENT further alleged that though he visited the petitioner on number of occasions but its officials never bothered to visit his land. He got a legal notice issued to the petitioner on 8.11.2001 demanding compensation of Rs. 2 lakh, which was not responded to by the petitioner complaint filed for recovery of the amount demanded was contested by the petitioner by filing written version. Main ground of contest was that the receipt Ex. C-3 dated 22.9.2000 evidencing purchase of 1450 banana plants did not pertain to the respondent and petitioner had not sold banana plants to the respondent as alleged. Contention advanced by Mr. S.N. Bhat for petitioner was that the Fora below erroneously concluded that the receipt Ex. C3 related to the respondent and petitioner society did not sell any

banana plants to the respondent. Copy of receipt Ex. C3 is placed at page 5 in the additional documents filed by the petitioner on 15.12.2005. It is for an amount of Rs. 4,500. Receipt would show that the name of person from whom this amount was received is not mentioned therein. Amount of Rs. 10,000 is also shown to have been received as advance vide G.R. No. 2886 dated 22.8.2000 in this receipt. Order of District Forum would show that petitioner served interrogatories on the respondent. One of the interrogatories was that receipt bearing No. 3701 dated 22.9.2000 did not bear the name of respondent. Respondent answered to this interrogatory by stating that it was for the petitioner to offer explanation as to why the name of purchaser was not mentioned in the receipt. Since the petitioner admitted the issuance of receipt, the District Forum was of the view that it was for the petitioner society who is maintaining accounts to disclose the name of the person from whom amount of Rs. 10,000 on 22.8.2000 and sum of Rs. 4,500 on 22.9.2000 was received by it, which evidence the petitioner society had failed to adduce. District Forum, thus, returned the finding that against the amount of Rs. 14,500, 1450 banana tissues culture plants were purchased by the respondent from petitioner society and 80% thereof were not of the variety assured; respondent had suffered loss of crops for which amount of Rs. 73,000 was awarded in addition to the amount spent by the respondent towards manure, pesticides and labour charges. In appeal, the State Commission affirmed this finding of the District Forum. In view of that concurrent finding of fact, we do not find any merit in the submission referred to above advanced by Mr. Bhat, Adv. Revision petition is, therefore, dismissed. Revision Petition dismissed.