
(1993) 11 NCDRC CK 0038

In the National Consumer Disputes Redressal Commission

Orissa Vegetable Oil Complex Ltd.

APPELLANT

Vs

State of orissa

RESPONDENT

Date of Decision : 10-11-1993

Acts Referred:

Citation : 1993 3 CPJ 407 : 1994 1 CPC 418 : 1994 1 CPR 32 : 1995 2 CLT 289

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

Advocate : C.S.Vaidyanathan , A.K.Behera , C.S.S.Rao , B.A.Mohanti

Final Decision : Dismissed

Judgement

1. THE Complainant is a Public Limited Company which erected a Solvent Extraction Plant for manufacture of vegetable oils from minor forest produce such as sal seeds, in Kalahandi District of Orissa. This was established in 1976-77. According to the Complainant it requested the State Government of Orissa including the Principal Chief Conservator of Forests and the Managing Director, Orissa Forest Development Corporation Ltd. for commitment for supply of raw materials for the running of the plant on a long term sustained basis. It also put in a formal application in November, 1976 for lease of certain forest divisions for extraction of sal seeds. However, the Opposite Parties granted on lease six forest divisions adjacent to the Complainant's unit to M/s. Orissa Minor Oils in April, 1979 for a period often yeas. M/s. Orissa Minor Oils have no Solvent Extraction Unit. THE allotment of forest divisions for sal seed extraction to the Complainant was denied unfairly. So the Complainant filed an application before the Orissa High Court challenging the aforesaid order of 1979 but subsequently withdrew it after being assured that it would be granted raw material by the Opposite Parties. However, the Opposite Parties, in actual practice, acted contrary to their assurances and to the detriment of the industry of the Complainant. In consequence there was short supply of raw material and the complainant's unit suffered. Subsequently, in 1982 the lease of the Complainant was cancelled and the collection of sal seeds was nationalised in December, 1982. THE Complaint does not indicate when any lease was granted to the Complainant. THE

Complainant moved a writ petition in the High Court of Orissa against this action of the Opposite Parties State Government but subsequently withdrew it on the assurance of the State Government that special machinery was being set up to feed the local industry with sufficient raw materials at reasonable prices. Further the market price of the sal seeds was determined by the Chief Conservator of Forest in his discretion. THE State Government have the monopoly of collection and sale of the sal seeds and therefore, it was under obligation to supply the same to the consumer at a reasonable price which should have been equal to the market price. However, the Complainant received meager quantities of sal seeds from 1983 to 1991, the maximum quantity in a year being 12000 metric tonnes as against its capacity of 30000 metric tonnes per year. In totality the Complainant's unit received 43000 metric tonnes of sal seeds as against its minimum requirement of 40,08,000 metric tonnes from 1983 to 1991. In consequence the Complainant's unit had idle capacity. Again there was no fixation of market price in accordance with the State Rules and the local consumers were forced to buy on the basis of all India tenders at much higher price every year. THEse factors were resposable for huge losses incurred by the Complainant and for making it sick. THE Complainant has, therefore, claimed compensation of Rs. 8.11 crores on account of loss and damage due to unfair trade practice and deficiency in its statutory service in regard to the supply of sal seeds. It has also requested for direction to the Opposite Party to Supply the minimum quantity of 12000 metric tonnes a year at the market price to be determined on the basis of State Rules.

2. WE have gone through the Original Petition and heard the Counsel for the parties. It is evident that the cause of action arose in 1976-1979 and 1983 etc. as stated by the Complainant himself in para 18 of its Original Petition. That itself makes it clear that this is a very stale claim barred by limitation. Again there was no firm commitment on the part of the Opposite Parties to supply certain minimum quantities of sal seeds. Further the price at which the sal seeds were to be supplied from time to time is not a matter which can be the subject matter of a complaint before Consumer Forums. It is in the real of pricing. It is not a deficiency in service. It is evident that this is not a consumer dispute and as such the complaint is not maintainable before us. It is dismissed accordingly. Before we part with the order, we feel constrained to remark that merely because no Court fee is payable for lodging a complaint before the Consumer Forums, parties have a tendency to misuse the provisions of the Consumer Protection Act in respect of matters not falling within its purview. This tendency must be discouraged. We, therefore, impose a cost of Rs. 5,000/- on the Complainant to be paid to the Opposite parties. Order accordingly.