

(2004) 12 NCDRC CK 0060

In the National Consumer Disputes Redressal Commission

P.M. RADHAKRISHNAN

APPELLANT

Vs

T. AMMU

RESPONDENT

Date of Decision : 28-12-2004

Acts Referred:

Citation : 2005 2 CPR 215 : 2005 3 CPJ 368

Hon'ble Judges : T.M.Hassan Pillai , A.Radha J.

Final Decision : Appeal dismissed

Judgement

1. -WHEN this appeal came up for hearing before us the learned Counsel appearing for the appellant attacking the impugned order submitted vehemently that Section 69 of the Kerala Co-operative Societies Act, 1969 excluded or has taken away jurisdiction of the Forum below to entertain the complaint and the impugned order is not sustainable on that ground.

2. SUPREME Court had occasion to deal with an identical contention based on the provisions of Tamilnadu Co-operative Societies Act, 1983 (Section 90 and Section 156) in Secretary, Thirumurugan Co-op. Agrl. Credit Society v. M. Lalitha, I (2004) CPJ 1 (SC)=II (2004) SLT 200=2003 AIR SC 6873 and SUPREME Court held that "The remedies that are available to an aggrieved party under the 1986 Act are wider. For instance in addition to granting a specific relief the Forums under the 1986 Act have jurisdiction to award compensation for the mental agony, suffering, etc., which possibly could not be given under the Act in relation to dispute under Section 90 of the Act. Merely because the rights and liabilities are created between the members and the management of the society under the Act and Forums are provided, it cannot take away or exclude the jurisdiction conferred on the Forums under the 1986 Act expressly and intentionally to serve a definite cause in terms of the objects and reasons of the Act". Identical provisions are contained in Section 69 of the Kerala Co-operative Societies Act and, therefore, we have to held that the present case is not where the question to be considered is as to the exclusion of jurisdiction of Civil Court in view of the provisions of Section 69 of the Kerala Co-operative Societies Act. Provisions of

the Consumer Protection Act apply in addition to the other provisions available under other enactments. The remedies available under the Consumer Protection Act for redressal of disputes are in addition to the available remedies under Kerala Co-operatives Societies Act. Under the Consumer Protection Act what is to be considered is as regards the additional jurisdiction conferred on the Forums and not their exclusion. So we have to hold that the jurisdiction of the Consumer Forum constituted under the Consumer Protection Act is not taken away or excluded by the provisions of the Kerala Co-operative Societies Act, 1969. In view of the legal position laid down by the Apex Court cited supra we find no merit or force in the contention of the learned Counsel for the appellant. Hence appeal is dismissed. Appeal dismissed.