
(1999) 04 NCDRC CK 0129

In the National Consumer Disputes Redressal Commission

P.MANIMOZHI

APPELLANT

Vs

STERLING HOLIDAY RESORTS INDIA LIMITED

RESPONDENT

Date of Decision : 01-04-1999

Acts Referred:

Citation : 1999 2 CPJ 482 : 2000 1 CPR 16

Hon'ble Judges : E.J.Bellie , Pulavar V.S.Kandasamy , Angel Arulraj J.

Final Decision : Complaint dismissed

Judgement

1. IN this complaint, the case of the complainants is that they had a transaction with the opposite party under which the opposite party was liable to give them time share for a period of seven days in a Holiday Resorts in Yelagiri Hills. IN the year 1996-97 the opposite party failed to give such time share in Yelagiri Hills and instead they offered to give it in Kodaikalan and Yerkaud. But that was to the inconvenience of the complainants. IN the next year also the opposite party did not offer it. This amounted to deficiency in service on their part. Alleging thus the complaint was filed.

2. THE opposite party contend taking the main stand that the complaint is not maintainable because it relates to interest in immovable property and the National Commission has held in a case that such transaction will not be covered by the Consumer Protection Act. The point that arises for consideration is whether there was deficiency in service on the part of the opposite party and if so what relief can be granted to the complainant?

In a similar case, the National Commission, in Dalmia Resorts International (P) Limited v. Dr. Ranjana Gupta & Anr., I (1997) CPJ 63 (NC), has held that : "After hearing the Counsel appearing on both sides we are clearly of opinion that the approach made by the respondents herein who are the complainants before the State Commission, Delhi for the grant of relief under the Consumer Protection Act was clearly misconceived because the transaction between the parties is one of purchase of a time share in immovable property and any dispute between the parties arising out of the said transaction cannot be regarded as a consumer

dispute...."

So stating, the National Commission has dismissed the said complaint. The National Commission has, in its various subsequent decisions also, held similarly. In view of the said decisions of the National Commission, the present complaint cannot be maintained.

3. HENCE the complaint is dismissed. However, there will be no order as to costs. Complaint dismissed.