

(1991) 09 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

P.R. SURESH

APPELLANT

Vs

MANAGING DIRECTOR, KARNATAKA CO-OP. MILK PRODUCER,
FEDERATION LTD.

RESPONDENT

Date of Decision : 23-09-1991

Acts Referred:

Citation : 1992 3 CPJ 487

Hon'ble Judges : R.G.Desai , K.R.Ramaswamy Iyengar J.

Final Decision : Complaint dismissed

Judgement

1. MR. R.N. appears for R-2 and files a Memo stating that R-2 adopts the statement of R-1. The complainant and his Advocate absent. Heard the respondent's Advocate on the question whether the complainant is a consumer. In the complaint itself, the complainant has stated that he was appointed as exclusive clearing and forwarding agent by the respondent for the State of Maharashtra w.e.f. 16.11.1988 for a period of two years. As the respondent did not supply the goods to him as per the agreement, he suffered loss. Hence, he has filed this complaint for recovery of Rs. 10 lakhs as damages suffered by him on account of the defective services of the respondent. The respondents have contended that the complainant is not a consumer within the meaning of Section 2(1)(d) of the Consumer Protection Act, 1986.

2. TO become a consumer under Section 2(1)(d) of the Act, the complainant has to prove that he has purchased goods for consideration or hired services for consideration. In this case, admittedly the complainant has been appointed by the respondent as an agent. Hence, it is clear that the respondents have hired the services of the complainant. If any conditions of services are violated it is upto him to approach the Civil Court for relief. So far as this Commission is concerned, the Commission can entertain the complaint only if he is a consumer. As he has not hired the services of the respondent for consideration, he will not be a consumer under Section 2(1)(d) of the Act. If that is so, the complaint cannot be entertained. In the result, the complaint is dismissed. No costs.

Complaint dismissed.