

(1993) 12 NCDRC CK 0035

In the National Consumer Disputes Redressal Commission

PRAVAT KUMAR JESTHI

APPELLANT

Vs

MANAGER, MARUTI UDYOG LTD.

RESPONDENT

Date of Decision : 04-12-1993

Acts Referred:

Citation : 1994 3 CPJ 249

Hon'ble Judges : S.C.Mohapatra , R.N.Panigrahi , J.Patnaik J.

Final Decision : Complaint dismissed. Appeal dismissed

Judgement

1. DEFICIENCY in service is grievance of complainant.

2. COMPLAINANT is the owner of the land. His land was taken away under Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972. After taking possession of his land, he is not being given the possession of his Chaka though rent is being collected from him in respect thereof. This is alleged to be deficiency in service. Non-performance of duty vested under statute for which no payment is made is not a service under Consumer Protection Act. Accordingly, complainant not being a consumer, this complaint is not entertainable. It is open to the complainant to approach the Civil Court or any other appropriate Forum for relief.

In result, the complaint is dismissed as not entertainable. Complaint dismissed. Appeal dismissed.