

(1992) 11 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

R.MAYILSAMY-/

APPELLANT

Vs

SPECIAL OFFICER, AMARAVATI CO-OPERATIVE SUGAR MILLS LTD.

RESPONDENT

Date of Decision : 12-11-1992

Acts Referred:

Citation : 1993 1 CPJ 162

Hon'ble Judges : S.A.Kader , R.N.Manickam J.

Final Decision : Appeal dismissed

Judgement

1. THE appeal arises out of the order of the District Consumer Disputes Redressal Forum, Dindigul dated 29.1.92 in O.P. 91/91. THE unsuccessful complainant is the appellant.

2. THE case of the complainant is that he entered into an agreement with the opposite party, Sugar Mill for raising sugarcane crops for the year 1991. It is his allegation that the opposite party did not cut and carry away the crops in time as a result of which he had to incur much loss. Hence the claim for compensation. The opposite party contended that the complainant is not a consumer within the meaning of the Act. It is pointed out that it is the responsibility of the complainant to cut, remove and produce the sugarcane crops at the premises of the Mill and the Mill has nothing to do with.

The District Forum has accepted the contention of the opposite parties and dismissed the complaint. Hence this appeal.

3. IN order to entitle a person to claim to be a consumer under Section 2(1)(d) (ii) of the Act, he must have hired the services of the opposite party for a consideration paid or promised or partly paid and partly promised or under any system of deferred payment. There is absolutely nothing to show in the agreement entered into between the complainant and the opposite party that the complainant had hired the services of the opposite party for any consideration. The agreement says that the complainant who has to cut and produce the

sugarcanes at the premises of the Mill. It is therefore clear that the complainant has not hired the services of the Mill. The District Forum has rightly dismissed the complaint. In the result the appeal fails and is dismissed, but without costs. Appeal dismissed. _____