(1996) 05 NCDRC CK 0010

In the National Consumer Disputes Redressal Commission

Special Officer Ambasamudram Co -Operative Primary Land Development Bank Ltd — APPELLANT

Vs

Esakkimuthu Konar — RESPONDENT

Date of Decision : 06-05-1996

Acts Referred:

Citation : 1996 2 CPC 276 : 1996 2 CPR 7 : 1998 1 CPJ 63

Hon'ble Judges : V.BALAKRISHNA ERADI , B.S.YADAV , S.S.CHADHA , R.THAMARAJAKSHI , S.P.BAGLA J.

Judgement

1. THIS revision petition has been filed against the order dated 23.12.1994 passed by the State Consumer Disputes Redressal Commission, Tamil Nadu in A.P. No. 616/94 confirming the order of the District Forum, Tirunelveli. The opposite party before the District Forum (The Special Officer, Ambasamudram Co -operative Primary Land Development Bank Ltd.) is the revision petitioner before us.

2. THE complainant had taken an agricultural loan of Rs. 9,500/ - from the opposite party for purchase of milch cows on execution of a mortgage deed in respect of his Nanja lands. He was informed by the opposite party on 18.8.1990 that there was remission of the loan amount and that the balance payable was Rs. 2,811 / - only. Subsequently, on 18.11.1992 he was informed that this remission was not available and he was called up on to pay the full amount. Alleging deficiency in service, the complainant filed a complaint. The opposite party raised objection that the complainant was not a consumer and that according to the Audit Authorities, the area where he lived was not a drought affected area and he was not entitled to me remission. Hence, the opposite party withdrew the concession given to him earlier. The District Forum found that no evidence had been let in on the side of the opposite party to substantiate the reasons for the withdrawal of the remission and that even the report of the Audit Party was not filed. In the result, the District Forum held that the complainant was entitled to remission and directed the opposite party to give him the remission and claim the balance, if any. The opposite party challenged this order

before the State Commission. The State Commission also held that there was absolutely no evidence on the side of opposite party to show that the village in which the complainant lived was not drought affected and that the Audit Party objected to the grant of remission. The State Commission further observed that the opposite Party''s report was not filed before it. In the result the State Commission upheld the order of the District Forum. In me revision petition before us, the petitioner -Bank have pointed out that the complaint was not maintainable under the Consumer Protection Act as the respondent complainant is not a ''consumer'' and that he did not qualify for remission as per statutory guidelines issued by NABARD. We have heard the case and gone through the available records. The loan advanced by the revision petitioner is a financing service to the complainant for agricultural purposes and is covered under Section 2(1)(o) of the Act. However, insofar as remission is concerned, it is a special scheme of the Government to be implemented by the revision petitioner on the basis of prescribed norms. In the implementation of the said scheme there is no arrangements of hiring of service of revision petitioner by the respondent - herein for a consideration and hence the question of any deficiency of service does not arise. In the light of the aforesaid, we allow the revision petition, set aside the orders of the State Commission and District Forum and dismiss the complaint. No costs. This order does not, however, preclude the complainant from pursuing any other remedy, if so advised, that may be available to him in law. Revision Petition allowed.

