

(1999) 02 NCDRC CK 0056

In the National Consumer Disputes Redressal Commission

TAMIL NADU PETRO PRODUCTS LTD.

APPELLANT

Vs

NIRMAL KUMARI GARG

RESPONDENT

Date of Decision : 04-02-1999

Acts Referred:

Citation : 1999 1 CLT 283 : 1999 1 CPJ 693

Hon'ble Judges : J.B.Garg , Sada Nand J.

Final Decision : Appeal accepted

Judgement

1. ON a complaint filed by Mrs. Nirmal Kumari Garg and Mr. Rajinder Kumar Garg, the District Forum-II, UT, Chandigarh, ordered on 4.8.1998 as under : "We, therefore, allow this complaint and direct the opposite party to afford all upto date benefits that have accrued to the complainants under the shares allotted to them. The opposite party is further directed to pay a consolidated sum of Rs. 5,000/- to both the complainants towards compensation for harassment and costs of the case."

2. AGGRIEVED against it, the present appeal has been preferred by M/s. Tamil Nadu Petro Products Limited on the ground that the District Forum had no jurisdiction to entertain the complaint as their registered office is situated in Chennai or in Delhi and not at Chandigarh and as such no cause of action has arisen. In this regard the Counsel for the appellant has brought to our notice a judgment of the National Commission Rajaram Corn Producers Punjab Ltd. v. Suryakant Nitin Kumar Gupta & 4 Ors., I (1996) CPJ 233 (NC), which the District Forum observed was not applicable in this case. We have gone through this judgment with the help of S. Aravindh, Counsel for the appellant. In the aforesaid case, Rajaram Corn Producers Punjab Limited, were carrying on their business at Mandsaur while its registered office was in Chandigarh. It was held that the mere fact that complainants were residing at Rajanand Gaon, the District Forum at Rajanand Gaon did not have territorial jurisdiction to entertain the complaint. Similarly, in the present case, the complainant belongs to Chandigarh and registered office of the appellant is at Chennai, and neither its

Head Office nor Branch Office is at Chandigarh nor the appellate party resides in Chandigarh. Consequently, the District Forum at Chandigarh had no territorial jurisdiction for entertaining the complaint. Accordingly, the appeal is accepted and the order of the District Forum is hereby set aside. Appeal accepted.