
(1999) 11 NCDRC CK 0033

In the National Consumer Disputes Redressal Commission

THIRU J. KARUNAKARAN

APPELLANT

Vs

Coffee Board

RESPONDENT

Date of Decision : 02-11-1999

Acts Referred:

Citation : 2000 1 CPJ 18

Hon'ble Judges : M.S.Janarthanam , Pulavar V.S.Kandasamy J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order dated the 10th day of September, 1996, in C.D. No. 22/96 on the file of the District Consumer Disputes Redressal Forum, Dindigul.

2. THE appellant is the complainant while the respondents are the opposite parties. The complainant, it is said, is a Planter. He appeared to have sold certain quantity of coffee seeds to the opposite parties. The opposite parties are the Coffee Seeds Purchasers and they stated to have effected part payments in two instalments. While making the final payment the opposite parties appeared to have claimed certain deduction of quantities of coffee seeds sold on account of the moisture contained and the deduction so made resulted in the complainant getting price for the lesser quantity and the same amounted to Rs. 25,000/-. This sort of a deduction in the weight of the coffee sold on account of the moisture, the complainant contend is a deficiency in service on the part of the opposite parties.

The Forum below taking into consideration the materials placed on record and of course after hearing the projection of hues of views of the respective parties through their respective Counsels, ultimately dismissed the complaint making however no order as to costs, giving rise to the present action.

3. ARGUMENTS of learned Counsel Mr. T.D. Vasu, appearing for the appellant/complainant and learned Counsel Mr. Chandran, representing the 1st opposite party and learned Counsel Mr. Shanmugavalli Shekar, appearing for the 2nd

opposite party were heard. Even at the outset, we want to point out that there are absolutely no merits in the appeal warranting interference. Admittedly, the complainant, as a planter effected sale of coffee seeds to the opposite parties. In the coffee seeds so sold, certain moisture was found out by the opposite parties and for the moisture contained certain deduction in quantity according to normal trade practice was stated to have been deducted. This the complainant would say, as already indicated, is deficiency in service on their part. We are unable to comprehend on the face of such admitted facts how the complainant could be a consumer falling within the purview of the Consumer Protection Act, 1986. He is after all a seller and not a purchaser. He has not purchased any goods for consideration neither he hired or availed of the services of the opposite party for consideration. Such being the case to say that the deduction of the weight for the moisture contained on the part of the opposite party is a deficiency in service cannot at all be countenanced or accepted.

4. THE appeal as such deserves to be dismissed. In fine, the appeal is dismissed. But we make no order as to costs on the facts and in the circumstances of the case. Appeal dismissed.