

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s).2428 OF 2008

MAHYCO SEEDS COMPANY LTD. ...Appellant(s)

VERSUS

BASAPPA CHANNAPPA MOOKI AND OTHERS ...Respondent(s)

WITH

CIVIL APPEAL NO.2426 of 2008

CIVIL APPEAL NO.2427 of 2008

CIVIL APPEAL NO.2425 of 2008

O R D E R

C.A. No.2428 of 2008:

Heard learned counsel for the appellant.

Despite service nobody appears for the respondents.

This appeal is directed against judgment and order dated 10.12.2007 passed by the National Consumer Disputes Redressal Commission, New Delhi (for short, "National Commission") in Revision Petition No.3526 of 2007. By the said order, learned National Commission dismissed the revision petition against concurrent finding of the District Consumer Redressal Forum and

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State Consumer Disputes Redressal Commission upholding the grievance of the respondent complainant.

The learned counsel for the appellant has taken us to the impugned order passed in this revision petition. The complaint in respect of Chamatkar Cotton seeds varieties being 222 and 223. The main submission

of the learned counsel for the appellant is that the Consumer Fora below have written the finding against the appellant and granted compensation to the complainant without any evidence on record. His submission is that even though seeds produce in 2004,

the complainant did not serve before 2006. Even the complaint is not barred by limitation. With the result, it is very likely that the evidence will be lost. However, in the instant case the complaint which was passed by the complainant was without his affidavit. The learned counsel submits that filing of such a complaint is not contemplated in the meaning of Section 12 of Consumer Protection Act, 1986. On perusal of Section of the said Act, it appears that a complaint is to be filed before the appropriate Forum by the consumer to whom such goods are sold or delivered, or where the same has been agreed to be

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provided with some services. Since this is the basis of the complaint, the rights of the parties are to be decided. It goes without saying that the person filing of the complaint must verify it as to be true to the best of his knowledge. In other words, it is contemplated under the provisions of the said Act that the procedure followed therein are rather summary and do not call for the complicated production of the evidence. But even then basic rules have to be followed and the complainant must support his complaint with the affidavit. In the instant case, the same has not been done.

Apart from that, learned counsel for the appellant draws our attention to the report of the University given by the Director of Research, University of Agricultural Sciences, Dharwad being Annexure P-3 and also another report of Agricultural Officer, R.S.K. Laxmeshwara given to the Additional Director of Agriculture (A.D.A) Shirahatti. The Director of Research of the University who gave report dated 7.12.2006, has annexed a copy of the "Evaluation of Cotton hybrids in Rainfed Conditions", results of

which are set out herein below:

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"The two tests hybrids Chamatkar 222 and Chamatkar 223 have given statistically on par yield of kapas as that of check DLSA 17. However Chamatkar 223 gave numerically higher kapas yield (1815.57 kg./ha) compared to that of DLSA 17 (1459.60). The higher yield in case of Chamatkar 223 can be attributed to higher plant height no. of sympodia. No. of bolls per plant which were significantly higher than the respective mean value of the check DLSA 17. For boll weight also it was marginally higher in Chamatkar 223 than the check DLSA 17."

The learned counsel submits that these reports disclosed results and made exhibits in the proceedings before the proceedings before the Consumer Forum, but Consumer Fora failed to take into account the aforesaid materials.

In our view the Consumer Forum being a judicial authority has not discharged its duty properly and gave findings on the basis of the material produced before it. Since the findings of the Consumer Fora appears to be perverse, we are constrained to interfere and quash the finding of the Consumer Fora even though concurrent in nature and we are constrained to observe

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that as a revisionary authority, the National Commission failed to take notice in the aspect of the matter.

We, therefore, quash the findings of the Consumer Fora below and the appeal is allowed. Learned counsel for the appellant, however, submits that pursuant to the order of the National Commission, payment has been made. We are, therefore, passing any order on the payment issue.

C.A. Nos.2426/08 & 2427/08:

Heard learned counsel for the appellant.

Despite service nobody appears for the

respondents.

This appeal is directed against judgment and order dated 10.12.2007 passed by the National Consumer Disputes Redressal Commission, New Delhi (for short, "National Commission") in Revision Petition Nos.3528 of 2007 and 3527 of 2007.

Having regard to the small quantity of the compensation awarded, we do not want to exercise jurisdiction of this Court under Article 136 of the Constitution in these appeals. The appeals are

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accordingly dismissed. It is, however, made clear that the order of the National Commission shall not be treated as precedent.

CIVIL APPEAL NO.2425 of 2008:

Heard learned counsel for the appellant.

Nobody appears for the respondents.

This appeal is directed against judgment and order dated 10.12.2007 passed by the National Consumer Disputes Redressal Commission, New Delhi (for short, "National Commission") in Revision Petition Nos.3524 of 2007.

In view of the decision of this Court in Haryana Seeds Development Corporation Ltd. versus N.S. Sadhu and another reported in 2005 (3) SCC 198, it is established that the variation in condition of crop is not and cannot be attributed to quality of seeds but to other factors. Inferior quality of seeds is not a factor. But the Report, which has been given by the Agricultural Officer on the Chamatkar Cotton seeds crop condition, no mention has been made about the inferior quality of seeds. In view of that, the complaint cannot be sustained. The appeal is

accordingly allowed.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI,
JULY 21, 2010.

ITEM NO.101

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7543 OF 2004

M/S. NATIONAL SEEDS CORPN. LTD.
VERSUS
M.MADHUSUDHAN REDDY & ANR.

Appellant (s)

Respondent(s)

(With prayer for interim relief)		
with		
SLP(C)No.32750/2009		
SLP(C)No.35350/2009		
CIVIL APPEAL NO(s). 7542	OF 2004	
(With prayer for interim relief)		
CIVIL APPEAL NO(s). 2425	OF 2008	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 2427	OF 2008	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 2426	OF 2008	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 2428	OF 2008	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 3499	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 3498	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 3596	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 3598	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4509	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4510	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4511	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4512	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4513	OF 2009	
(With prayer for interim relief and office report)		

CIVIL APPEAL NO(s). 4514	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4515	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4516	OF 2009	
(With prayer for interim relief and office report)		
CIVIL APPEAL NO(s). 4517	OF 2009	
(With prayer for interim relief and office report)		

CIVIL APPEAL NO(s). 4518 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4519 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4520 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4521 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4522 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4962 OF 2008
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4798 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4964 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4957 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4955 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4954 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4963 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4824 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4959 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4967 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 4704 OF 2009
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 8071 OF 2009
(With appln.(s) for setting aside an abatement and with office report)
CIVIL APPEAL NO(s). 3659-3667 OF 2008
(With prayer for interim relief and office report)

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CIVIL APPEAL NO(s). 3668 OF 2008
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 3682 OF 2008
(With office report)
CIVIL APPEAL NO(s). 3669-3681 OF 2008
(With prayer for interim relief and office report)
CIVIL APPEAL NO(s). 3684-3678 OF 2008
(With office report)
CIVIL APPEAL NO(s). 3769-3804 OF 2008
CIVIL APPEAL NO(s). 3805 of 2008
(With office report)
SLP(C)No.22153/2009
(With prayer for interim relief and office report)

Date: 21/07/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s) Mr. Sudhir Kulshreshtha, Adv.

Mr.Pallav Shishodia, Sr.Adv.
Mr.M.Y.Deshmukh, Adv.
Mr.Sachin Katariya, Adv.
Mr.Rameshwar Prasad Goyal, Adv.

Mr.M.J.Paul, Adv.

Mr.Manoj Swarup, Adv.
Mr. Devesh Kumar Tripathi, Adv.
Mr.Ashok Anand, Adv.
Mr.Kamal Mohan Gupta, Adv.

Mr.Nitin S.Tambwekar, Adv.
Mr.B.S.Sai, Adv.
Mr.K.Rajeev, Adv.

For Respondent(s)

Rr-Ex-Parte

Mr.R.Venkataramani, Sr.Adv.
Mr.G.N.Reddy, Adv.
Mr.Aljo K. Joseph, Adv.
Mr.Ravi Shankar, Adv.

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Mr.Gouri Karuna Das, Adv.
Ms.Anu Gupta, Adv.
Mr.Shanti Kumar Jaisani, Adv.
Mr.Bhakti Pasrija, Adv.
Mr.Sanjeev Kumar Sharma, Adv.
For Ms.Rani Jethmalani, A.O.R.

Ms.E.R.Sumathy, Adv.

Ms.Shobha, Adv.

Mr.Sunil Kumar Verma, Adv.

Mr.Ranjith K.C., Adv.

Mr.Abhijit Sengupta, Adv.

Mr.K.Rajeev, Adv.

Mr.Rohit Kumar Singh, Adv.

Mr.Venkateswara Rao Anumolu, Adv.

UPON hearing counsel the Court made the following

O R D E R

SLP(C) NO.22153/09:

This petition is directed against order dated 6.12.2008 passed by the National Consumer Disputes Redressal Commission in Revision Petition No.433 of 2005 whereby it reversed the order passed by A.P. State Consumer Disputes Redressal Commission.

At the hearing, Mr. Manoj Swarup, learned counsel appearing for respondent no.1, on the basis of instructions given to him, made statement that his client would pay the amount awarded by the State Commission to the respondent within a period of two weeks.

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In view of the statement made by the learned counsel for respondent no.1, the special leave petition is disposed of as infructuous.

C.A. No.2428 of 2008:

Heard learned counsel for the appellant.

Despite service nobody appears for the

respondents.

The appeal is allowed in terms of signed order.

C.A. Nos.2426/08 & 2427/08:

Heard learned counsel for the appellant.

Despite service nobody appears for the respondents.

The appeals are dismissed in terms of signed order.

CIVIL APPEAL NO.2425 of 2008:

Heard learned counsel for the appellant.

Nobody appears for the respondents.

The appeal is allowed in terms of signed order.

C.A.No.7543/2004, SLP(C)No.32750/2009, SLP(C)No.35350/2009,C.A.No.7542 OF 2004, C.A.No.3499 OF 2009, C.A.No.3498 OF 2009, C.A.No.3596 OF 2009, C.A.No.3598 OF 2009, C.A.No.4509 OF 2009, C.A.No.4510 OF

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2009, C.A.No.4511 OF 2009, C.A.No.4512 OF 2009, C.A.No.4513 OF 2009, C.A.No.4514 OF 2009, C.A.No.4515 OF 2009, C.A.No.4516 OF 2009, C.A.No.4517 OF 2009, C.A.No.4518 OF 2009, C.A.No.4519 OF 2009, C.A.No.4520 OF 2009, C.A.No.4521 OF 2009, C.A.No.4522 OF 2009, C.A.No.4962 OF 2009, C.A.No.4798 OF 2009, C.A.No.4964 OF 2009, C.A.No.4957 OF 2009, C.A.No.4955 OF 2009, C.A.No.4954 OF 2009, C.A.No.4963 OF 2009, C.A.No.4824 OF 2009, C.A.No.4959 OF 2009, C.A.No.4967 OF 2009 and C.A.No.4704 OF 2009

Arguments heard.
Judgment reserved.

C.A. Nos. 3659-3667 OF 2008, C.A No. 3668 OF 2008, C.A.No. 3682 of 2008, C.A. No. 3669-3681 of 2008, C.A.No. 3684-3678 of 2008, C.A.Nos. 3769-3804 of 2008, C.A.No. 3805 of 2008 and C.A.No.8071/2009

The last Office Report shows that the notice issued by this Court has not been served in C.A. Nos. 3659-3667 of 2008, C.A No. 3668 of 2008, C.A.No. 3682 of 2008, C.A. No. 3669-3681 of 2008, C.A.No. 3684-3678 of 2008, C. A.Nos. 3769-3804 of 2008, C.A.No. 3805 of 2008 and C.A.No.8071/2009. Fresh notice be issued to the respondents in the aforementioned matters.

On the oral request of the learned counsel, we permit the appellants to take steps for substituted service of notice upon the respondents by way of publication.

List the cases in October, 2010.

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(A.D. Sharma)	(Satish K.Yadav)	(Phoolan Wati Arora)
Court Master	Court Master	Court Master
(Signed Orders in C.A.Nos.2425/2009, 2426/2009, 2427/2009 & C.A.No.2428 are placed on the file)		