

ITEM NO.18

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).21505/2010

(From the judgement and order dated 23/03/2010 in RP No. 646/2010 of The NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI)

C.H.SUBHODAR REDDY & ORS.

Petitioner(s)

VERSUS

SPL.OFFICER(SEEDS)GKVK BANGALORE

Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 13/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) None

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Since no one has appeared for the petitioners despite second call, the special leave petition is liable to be dismissed in default.

However, instead of adopting that course, we have thought it proper to examine the petitioners' challenge to the orders passed by the Karnataka State Consumer Disputes Redressal Commission (for short 'the State Commission') and the National Consumer Disputes Redressal Commission (for short, 'the National Commission').

The petitioners purchased 1002 Kgs. maize seeds from the respondent for Rs.27,684/-. They filed complaint under Section 12 of the Consumer Protection Act, 1986 by alleging that the seeds sold

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by the respondent were defective resulting in loss of crop.

By an

order dated 29.8.2008, District Consumer Disputes Redressal Forum, Bellary allowed the complaint and declared that the complainants are entitled to recover Rs.28,268/- including cost of litigation from the respondent University with interest at the rate of 9% per annum. The appeal preferred by the respondent was partly allowed by the State Commission and the amount of compensation was reduced by 50%.

The reasons assigned by the State Commission for doing so are extracted below:

"As per the report of the Assistant Director of Agriculture the growth of the crop was good. But there is a shortfall of the yield. From this, it is seen that the complainants got some yield. According to the report of the Assistant Director of Agriculture, the complainant would have got 40% to 50% of the yield that of the normal yield. The DF has held that the complainants have suffered the loss of 75% of the normal yield but there is no reason to arrive on the said finding in the absence of any acceptable evidence. The Assistant Director of Agriculture as, stated earlier, is of the view that the loss suffered was 50%. Taking into consideration there was some exaggeration on the part of the complainants in claiming total loss, we are of the view that awarding 50% of the compensation as awarded by the DF in favour of the complainants would meet the ends of justice."

The National Commission expressed its agreement with the State Commission and dismissed the revision filed by the petitioners.

In our view, the State Commission did not commit any error by reducing amount of compensation to 50% because the report of the Assistant Director of Agriculture revealed that there was shortfall of 50% only in the crop grown by the petitioners by using the so-called defective seeds and the National Commission rightly declined to exercise its revisional jurisdiction to interfere with the finding recorded by the State Commission.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master