

(2004) 07 NCDRC CK 0085

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

S. SAVARIMUTHU

APPELLANT

Vs

ESPN SOFTWARE INDIA PVT. LTD.

RESPONDENT

Date of Decision: July 14, 2004

Citation: 2005 2 CPJ 296

Hon'ble Judges: A.Raman , R.Vanaroja J.

Final Decision: Appeal dismissed

Judgement

1. THE appeal is devoid of merits. THE person who has laid the complaint is not the proprietor of the Vani Video Cable Vision. He is admittedly only the Manager. THE contract is only between the proprietrix and the first opposite party. It is not stated that the complainant is a power of attorney agent nor any deed is produced. THEREfore, it was rightly held by the lower Forum that the complaint is not maintainable.

2. IT is to be seen that the contention of the opposite parties is that there is a breach of contract and that the complainant was transmitting Star Sports to the areas not authorised. Of course, it is denied by the complainant. Thus the contentions raised would involve questions relating to the terms and conditions of the contract and whether there has been any breach of the same by the complainant. In that context, it would become necessary to have an elaborate trial which can be had only before a Civil Forum. In that view of the matter as well, the complaint cannot be maintained. Lastly, it has to be pointed out that the complainant is transmitting several channels for the viewers and has been collecting amounts from them by way of subscription. Thus it is only a commercial transaction. IT is not alleged that the complainant is

eking out his livelihood from out of the same. On the other hand, it appears to be the business of the complainant. Hence, in that view of the matter as well, the complaint is not maintainable. Therefore, rightly the lower Forum dismissed the complaint and we do not see any merit in this appeal.

In the result, the appeal is dismissed with cost of Rs. 250/-. Time for compliance : Two months. Appeal dismissed.