

(2004) 03 NCDRC CK 0103

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

NOVARTIS INDIA LTD.

APPELLANT

Vs

ANIL SAMBAJIRAO KODRE

RESPONDENT

Date of Decision: March 1, 2004

Citation: 2004 1 CPC 626 : 2004 2 CPJ 283 : 2004 2 CPR 660

Hon'ble Judges: M.S.Rane , R.N.Varhadi J.

Final Decision: Appeal dismissed

Judgement

1. RESPONDENT is present in response to the notice before admission issued by us earlier on 4th November, 2003 through his Advocate.

2. WE are proceeding to dispose of this appeal at the stage of its admission itself on hearing the learned Advocates for the parties as above and on perusal of material available in the appeal paper book. (For brevity's sake appellant No. 1-Org. O.P. No. 1 is hereinafter referred to as "Producer" , appellant No. 2 - Org. O.P. No. 2 as "Dealer" and respondent-Org. complainant as "Farmer").

The producer of the seeds has filed this appeal challenging the order dated 29th August, 2003 passed by the District Forum, Pune holding that the Marigold Seeds supplied by the producer through his dealer to the farmer was of a inferior quality and as a result thereof farmer suffers loss to the extent of 80% of the expected yield and so holding has awarded a sum of Rs. 64,000/- as damages. The farmer claimed nearly Rs. 1,65,000/- and Forum has awarded only Rs. 64,000/-. As stated producer has challenged the award of the District Forum in this appeal.

It is noticed that the farmer purchased the Marigold seeds produced by the producer through his dealer and used the same in his agricultural operation after necessary preparation in that behalf in his field.

3. HOWEVER, farmer noticed that the growth and general progress of the crops was not to his satisfaction as expected.

It is noticed that farmer brought this fact to the notice of the producer as also the dealer.

4. HE also reported the matter to the concerned authority under the Seeds Act like Agricultural Official or Committee of the Zilla Parishad constituted under the Seeds Act. It is noticed that the Experts of Zilla Parishad visited the field of the farmer and after inspection, etc. made a report and submitted the same. Copy whereof forms part of appeal paper book herein at Page No. 53 onwards.

It is to be stated that the Expert Committee has opined that the loss was to the extent of 80% and it has attributed the loss stating that the quality of seeds was not to the mark.

It is noticed that before the District Forum producer has relied upon the Report rendered by their Experts, which was to the effect that the same was due to certain disease.

5. HOWEVER, District Forum accepted the Report of the Expert Committee of the Zilla Parishad and in our view rightly since the said committee is a Statutory Committee duly authorised and empowered to render such reports.

6. THAT being so, rejecting the report sought to be relied upon by the producer of their Experts, District Forum accepting that of the Report of Expert Committee of Zilla Parishad has rendered findings in its elaborate judgment and as against the claim of Rs. 1,65,000/-, District Forum has awarded a sum of Rs. 64,000/- only.

We further notice that there is adequate and cogent reasonings assigned by the District Forum in paragraph 6 of the impugned judgment while assessing and awarding the damages to the extent as done. District Forum has made reference relied upon the report issued by the producer for the benefits of the prospective purchasers like farmer complainant herein indicating the yield upto 8 to 10 mts. per Acre and District Forum taking into consideration the holdings of the farmer has made the award. We also do not find, therefore, any merit in the appeal in that count also. By and large, award is fair and reasonable, needing no interference.

ORDER

1. Appeal stands dismissed. 2. However, there shall not be any order as to costs. 3. Copies to be furnished to the parties. 4. We grant 6 weeks" time from today for compliance of the impugned award made by District Forum. 5. We direct the District Forum, Pune to release a sum of Rs. 30,000/- deposited by the appellant-producer-O.P. No. 1 pursuant to our interim order dated 4th November, 2003 to the complainant towards part satisfaction of the impugned award and District Forum to release the amount accordingly after period of appeal is over.

Appeal dismissed.