

(2003) 07 NCDRC CK 0092

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

PRABANDHAK, RASHTRIYA BEEJ
NIGAM

APPELLANT

Vs

SATNAM SINGH

RESPONDENT

Date of Decision: July 17, 2003

Citation: 2004 3 CPR 481 : 2004 4 CPJ 15

Hon'ble Judges: M.A.A.Khan , Sushma Tanwar J.

Final Decision: Appeal allowed

Judgement

1. -ON 18.2.1994 Satnam Singh, complainant-respondent, had purchased 1 kg. of primary seed of Musk Melon (Kharbooza) from the appellants at Alwar for Rs. 270/-. He sowed the same in an area of 2 bighas 10 biswas but the seed yielded a crop worth Rs. 1,000/- only as against expected yield worth Rs. 45,000/-. He alleged that the seed was adulterated, sub-standard and of poor quality. He, therefore, claimed Rs. 44,000/- as compensation for loss of crop and Rs. 15,000/- as compensation for mental agony and physical labour put on growing the crop of Musk Melon. The District Forum, partly allowing his Complaint No. 447/94, vide impugned order dated 3.6.1995, awarded to him a sum of Rs. 5,000/- in that behalf and Rs. 200/- as cost of litigation. Hence this appeal by the appellants.

2. HEARD the learned Counsel for the appellants and examined the material on record of the Forum. It is disclosed upon the study of the material on the record of the Forum that intending to produce seed of Musk Melon under the National Seeds Corporation (NSC) Programme, the respondent had entered into an agreement with the appellants on 18.2.1994 to grow Musk Melon and produce seed of the notified

kinds and varieties in a reserved area, mentioned in the Schedule II attached to the agreement deed. As per terms and conditions agreed between the parties the primary seed was to be purchased by the respondent from the appellants, sown in a "reserved area", which should be of levelled, fertile, neutral or nearly neutral and well drained land with facilities for clean and healthy seed production and which area should be so located that the seed crop in that area conformed to the isolation and other field standard requirements as prescribed in the Indian Minimum Seed Certification Standards, 1988 failing which the seed crop produced by the grower was liable to be rejected in part or in full. The grower was required to raise the crop as a single crop and not as a mixed crop, inter-crop, companion crop or rotation crop. The officers of the appellants had a right to inspect the growing crop from time-to-time.

On the record of the Forum we find that before effecting sale of 1 kg. Musk Melon seed the same was subjected to inspection by the authorised person and was also tested at the laboratory and fees at Rs. 45/- and Rs. 18/- respectively was charged. It is thus noted that before sale of the seed the quality and fertility thereof was examined. It was necessary to do so because in the nature of their duties which the appellants were entrusted to perform and as per terms and conditions of the agreement, the produced seed was to be purchased by them from the respondent at price as specified in Schedule II to the agreement. It is also noted by us that on 28.4.1994 the officers of the appellants had made a field inspection of the crop in question. They had noted that the single crop of Musk Melon had been grown in a field wherein Mustard crop had been raised as previous crop and the isolation distance, as was required to be maintained as per terms and conditions of the agreement, was not satisfactory. It was further noted by them that off type plants/fruit plants, having no familiarity with the Musk Melon crop, were also there in the field. The growth of such off type plants/fruit plants had also contributed to the unsatisfactory growth of Musk Melon crop.

The above position of facts goes to show that the appellants had not sold or supplied Musk Melon Seed of poor or inferior quality to the respondent and that the poor production of the seed crop was not attributable to such an act on the part of the appellants. There is no evidence on record to prove that the seed sold or supplied by the appellants to the respondent was in any way of poor or of inferior quality or sub-standard. The poor growth of the crop was attributable to some other factors like isolation of plants, presence of off plants, which may be due to the effect of previous crop, etc. etc. The appellants could have, therefore, not been held liable for payment of any amount by way of compensation or cost of the respondent for selling defective seeds to him.

3. IN view of the above, the impugned order is set aside and the appeal allowed with cost on parties. Appeal allowed.