

GOVERNMENT OF JAMMU & KASHMIR
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
BARAMULLA/BANDIPORA

Coram: -

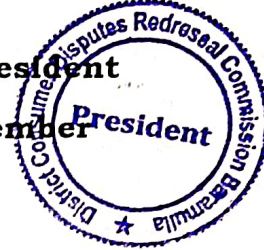
1. Peerzada Qousar Hussain

..... **President**

2. Ms Nyla Yaseen

..... **Member**

Consumer Complainant No: 12/2023



1. Lone Poultry R/O Tujar Shareef Sopore.

2. KGN Poultry R/O Zaloora Sopore.

.....(Complainants)

Versus

1. Maha Feeds Agrotech Unit-II, Lane No.15 SIDCO

Industrial Complex phase II, Bari Brahmana Samba J&K.

2. Bhat Poultries Baharampura Watergam District

Baramulla.

..... (Opposite parties)

Date of Institution: 23-02-2023

Date of Decision: 24-06-2025

Appearing Counsel

Adv. Mudasir Hameed for the complainants.

Av. Asif Khan for the O P's.

Judgement

The instant Complaint has been filed by the complainants before this commission on **23-02-2023** alleging therein that the OP's have provided them feed which does not have the sufficient protein level due to which they have suffered financial loss. The complainants accordingly prayed to direct the OP's to pay the compensation.

Brief facts: -

The complainants are dealing with the poultry farms under the name and style of Lone poultry, situated at Tujar shareef Sopore and KGN poultry, situated at Zaloora Sopore. Contention of the complainants is that they were supplied sub-standard poultry feed by the OP's which resulted in mass mortality stunted growth and significant financial loss. The contention of the complainants is further that they were assured by the OP's at the time of its purchase that the feed contains more than 20% protein level which is essential for growth of chickens. However, the complainants while utilizing the said feed witnessed that the chicks of their poultry farms reduced growth. The complaints approached the OP's and informed them about the sub-standard poultry feed supplied to them however they were asked to go for testing of the poultry feed. Consequently, the complainants approached the office of the poultry nutritionist Hariparbat Srinagar and got the said feed tested

and the test report given by the said lab showed the protein level as 15.5% only which is far from the standard level. The complainants accordingly approached the OP's but no heed was given to their requests which constrained them to approach the District Consumer Disputes Redressal Commission Baramulla for Redressal of their grievances.

Notices were issues to the OP's.

Upon notice the OP's submitted the objections contending therein that the complaint is not maintainable, as no cause of action has ever accrued to the complainants against the OP's. The OP's contention is further that the complaint is vexatious, baseless and concocted and the allegations have been made to tarnish the goodwill and image of the company and to grab the debt and escape from the liability. The complainants have concealed the material facts and have not approached this court with clean hands. Admittedly the complainants have purchased the feed from the OP's but there has been no assurance with regard to the percentage of the protein level of the said feed and even no document has been executed between the parties. Moreover, the samples of the feed were not taken by the complainants in presence of the authorized representative of the company. The samples taken by the complainants from the feed has been taken without storage of the samples as the same is bound to deteriorate if not kept in proper storage. The OP's have sold the same products to the other farms in the same year but have not received a single complaint with regard to the feed in question. The financial loss which may have accrued to the complainants is not because of the feed but of the viral diseases. The OP's have taken the feed into consideration and a doctor of the company visited KGN poultries where from samples have been taken and it was found positive (Adenovirus) PCR after screening of the tests. The OP's accordingly prayed for dismissal of the complaint and directed to pay an amount of **Rs.10,50,000/-**.

The complainants adduced four witnesses namely Mudasir Maqbool Lone S/O Mohd Maqbool Lone R/O Tujar Sharief, Irshad Ahmad Lone S/O Gh Rasool Lone R/O Zaloora Tehsil Bomai, Zahoor Ahmad Sheikh S/O Nazir Ahmad Sheikh R/O Tujar Sharief Bomai and Mushtaq Ahmad Lone S/O Gh Rasool Lone R/O Zaloora District Baramulla who were cross examined by the OP's counsel.

The witness Mudasir Maqbool Lone S/O Mohd Maqbool Lone R/O Tujar Sharief on cross examination stated that he is dealing with the business since the year 2002. He bought feed from the OP's company in 2014. The company has not assured me about the protein level of the feed. My chicks didn't die because of the disease. I had purchased 1200-1300 bags initially I have used 200 bags however I have observed that the feed was not upto the mark but I still exhausted all the bags. I didn't take any chick hatch or chicken to any laboratory. As I suffered loss in the year 2022. Samples of feed were taken from a bag in presence of Nusrat-ul-Hassan. I called the company and apprised them about the defective feed supplied by them. The hatch suffered weight loss and finally caused death due to low protein level. Although I didn't take the chick to lab to ascertain the cause of death. But based on my experience I concluded the death was caused by deficient feed. The OP's assured me that the feed contains 20% protein at the time of purchase of the feed. However, I suffered financial loss because of the death of the hatch.

The witness Irshad Ahmad Lone S/O Gh Rasool Lone R/O Zaloora Tehsil Bomai on cross examination stated that he is dealing with the poultry business since 1999 and has expertise in the line. Whereby three persons were on the spot when the incident occurred. However, he does not know the number of chickens in the poultry at the time of his visit. He being the expert in the line suggested his brother the complainant to go for testing of the feed not the chicken. The weight loss to the chick was due to the feed as per our expertise therefore testing of the feed was necessary. I visited the poultry farm of my brother six times and I witnessed that 20 chickens were dead and on the next day it was found that 100 chickens were dead. And on the third day of my visit they were taking their dead chickens through the auto bearing Registration No. JK05B5605. It is true that I have also suffered loss due to death of chickens as the feed was substandard as per my personal experience and knowledge and the other poultry farms has also suffered loss viz Mustaq Ahmad War, Mohammad Latej Mir and Mohammad Iqbal Lone. He further stated that about the occurrence of the incident Dr. Basharat Maqbool did not advised the test of the dead chicken in my presence.

The witness Zahoor Ahmad Sheikh S/O Nazir Ahmad Sheikh R/O Tujar Sharief Bomai on cross examination stated that he used to work as a laborer in the poultry farm of Mudasir Ahmed in the year 2022. He was not working in the farm of Mushtaq Ahmed and has no information about the death of the chickens due to disease. He does not know about the protein level of the feed. He used to give the feed to the chicken himself twice a day as per the measurements. The witness further stated that the disease could have been caused because of the deficiency in feed or viral infection. Irshad Ahmad lone who is having his own poultry farm at Zaloora, visited their poultry farm and said he has suffered the same situation and the feed is sub-standard because of which chicken suffered weight loss. The team of Doctors visited our poultry farm who suggested to change the chicken for better result however, after changing the chicken on the advice of doctor team the problem reoccurred. The team of the doctors who visited, the farm took a sample of the feed with them however they didn't come back with any suggestion or report. The complainants did not take the sample for testing only the team of doctors took the sample of the feed to the lab for testing. He has no knowledge whether the poultry chicken of Mustaq Ahmed earlier suffered from any disease. The complainants used to purchase the feed from Bhat poultry not from the company. The doctors said that if the protein level of the feed is less than the chicken can suffer weight loss.

The Complainant Mushtaq Ahmad Lone S/O Gh Rasool Lone R/O Zaloora District Baramulla as witness in his own case stated that he has been doing poultry business since 23 years and has been purchasing the feed from the said company since last 6 years. He suffered loss of poultry due to disease and feebleness caused by the Maha Feed. Although he didn't suffer any loss prior to year 2022. He only suffered loss in the year 2022 while using Maha feeds. The feed was absolutely nutritious for 5 years however the level was dropped in sixth year. A doctor was deputed by the company to visit his poultry farm he had purchased 1200 feed bags from the company and he exhausted all the feed bags however the chicken suffered weight loss only after the first 100 bags were used. He had no agreement with the Bhat poultry however I was given the assurance of presence of 20% of the feed by the

company 6 years ago. Even Bhat poultry assured me the same. OP 2 gives the assurance of 20% protein level to the farmers when his chickens suffered from disease. He informed the doctor of the company namely Dr. Basharat. He himself took the sample of the feed to check the sample to Hariparbat which reflected that the feed did not have 20% protein level and the feed had only 15% protein level. Although he did not opt to go for any test on the dead chicken however, he contacted the company regarding the issue of death of the chicken. He informed Bhat poultry to convey the company about the loss of the chicken. His chickens died due to 15% protein level which submitted in affidavit as well. He had purchased feed from Maha feeds having less protein level because of which he suffered loss. The OP's adduced four witnesses namely Dr. Basharat Maqbool Wani S/O Mohammad Maqbool Wani R/O Bijbehara District Anantnag, Nusrat ul Hassan Bhat S/O Ghulam Hassan Bhat R/O Behrampora Tehsil Dangiawacha District Baramulla, Ajaz Ahmad Rather S/O Bashir Ahmad Rather R/O Duroo Tehsil Dangerpora District Baramulla and Mudasir Hassan Bhat S/O Ghulam Hassan Bhat R/O Behrampora Tehsil Dangiawacha District Baramulla.

The witness namely Dr. Basharat Maqbool Wani S/O Mohammad Maqbool Wani R/O Bijbehara District Anantnag on cross examination stated that he is working as Regional Manager Maha feeds. His role is techno-commercial and has no role in manufacturing of the feed. The nutritional requirement in the feed should be up to the mark and the nutritional value is decided/formulated by the company. There is no fixed standard and the standard is fixed by Bureau of Indian Standards. The witness further stated that in case of deficiency of crude protein there will be effect on body weight gain. Any issue with regard to the quality of the feed was between Bhat Traders and the complainant. The complainants approached him with the complaint about mortality in the chicks, consequently he visited the farms of the complainants. He collect a sample from the farm and tested in a lab at Srinagar. The result was shown as Adeno virus positive. The witness further stated that the bag of the feed does not display a nutritional chart and he does not know whether the company should display nutritional chart or not. He has never visited Lone poultry as to ascertain the mortality of the chicks and has not prescribed any medicine. However, he has visited the Lone poultry in the year 2022 to collect samples of chicks. The witness further stated that in case the doctor is not available the poultry farm owner is at liberty to approach any other doctor.

Another witness Nusrat ul Hassan Bhat S/O Ghulam Hassan Bhat R/O Behrampora Tehsil Dangiawacha District Baramulla deposed that he is a distributor of Maha feeds. There was an agreement between the witness and the complainant. He does not know about feed bags supplied from Jammu. The witness further stated that if the feed is not of the standard material that can cause to the poultry chicks. He has never received any complaint from anyone regarding feed prior to the present complaint. He does not assure the customer about the feed and its further repercussion after sale. The witness further stated that he is not providing any GST bills to the customers. He sells the feed and issue a simple bill to the customers and he further stated that the proper bill is to be issued. He doesn't know about the quality of the proteins in starter or finisher of the chickens. He doesn't have

knowledge about the schedule issued by the government, regarding the quality of the starter and the finisher. He has never gone to Lone Poultry to collect sample however; doctor has gone there to collect the same. The witness further stated that in case there is deficiency in the nutrients the company is liable for that. The feed bags does not display any nutritional charts and he has no knowledge whether the same should be displayed or not. The lab report can authorize as to whether there is any kind of deficiency.

Another witness Ajaz Ahmad Rather S/O Bashir Ahmad Rather R/O Duroo Tehsil Dangerpora District Baramulla on cross examination stated that he has been working as Sales Executive in the company since march 2021. His job is to obtain orders and make delivery of the same. He has no information about nutritional value in the feed. The witness further stated that it is true that the feed should contain all the vitamins and proteins in proper quantity which are necessary for the chickens. The complainants used to purchase feed from Bhat poultry who is a dealer of the company. He has no knowledge regarding the Adeno Virus disease as he is not an expert. He has no idea how much crude protein is present in the feed. And in case the exact quantity and other nutrients are not present in the feed the chicks can suffer growth issue.

Another witness Mudasir Hassan Bhat S/O Ghulam Hassan Bhat R/O Behrampora Tehsil Dangiawacha District Baramulla on cross examination stated that he doesn't work with Maha feeds company and has no information about the type of feed. The chicks should receive all the nutrients through the feed. The witness stated that in case of deficiency in the feed of the chickens it will tell upon their health. He has been in poultry business since 25 years. He doesn't know about the purchase of feed of the complaints and is not aware about the terms and conditions for sale and purchase. He does not know whether the dealer of the feed has given any assurance at the time of its purchase. He doesn't know about Adeno Virus disease. The complainants purchased the feed in the year 2019. He does not know what samples were collected from the farm of Mushtaq Ahmad. He does not know whether the complainants have suffered any loss.

The parties submitted the written arguments.

Written arguments of the Complainant: -

The complainants in the written arguments contended that the OP's supplied sub-standard poultry feed to the complainants which caused financial loss to the complainants. Although the complainants were assured that the feed contains more than 20% protein level however, upon testing the said feed the protein level was found only 15.5% which caused huge financial loss to the complainants. The complainants were denied any compensation for the damages despite repeated requests. After feeding the chickens with Maha feed their growth didn't improve which was witnessed in other poultry farms who used to feed the same feed. Ajaz Ahmad Rather (Sales Executive, Maha Feeds) has admitted that the feed should contain all the essential vitamins and proteins which proves that the OP is under duty to ensure nutritional adequacy in their product. However, the scientific reports from the testing agencies demonstrated the feed was deficient in essential nutrients. Dr. Basharat Maqbool Regional Manager, Maha Feeds of the OP also

stated during the cross examination that the nutritional requirements of the feed should be up to the mark. Statement of Mudasir Hassan poultry expert that the chicken should receive all the nutrients through the feed and in case of any deficiency that can affect the health of the chicks. The OP's have failed to provide poultry feed of the promised quality, leading to massive financial and business loss to the complainants. The OP's misrepresented the quality and nutritional value of the poultry feed which constitutes unfair trade practice. The complainants accordingly prayed for direction to the OP's to compensate for the loss occurred due to defective poultry feed provided to them.

Written arguments of the OP's: -

The OP's stated that there has been no assurance on the part of the OP's with regard to the percentage of the protein level of the said feed and no any document has been executed between the parties for the same and the samples of the feed were not taken by the complainants in presence of the authorized representatives of the company nor any communication was send to the OP's in this regard. The OP's have sold the same feed to the other farms in the valley however, they have not received a single complaint against the same till date. The KGN poultry has filed false complaint against the feed before the OP's. The poultry feed is manufactured by Maha Feeds and the applicants purchased feed from Bhat poultries OP 2. The statement of the complainants as witness is full of contradiction. The complainant as witness admitted that he has purchased 1200 feed bags from the company and exhausted all of them. That after using 100 bags out of 1200 bags the chickens suffered weight loss and if the poultry feed was suspected to be defective or of sub-standard quality and the birds started getting weight loss. The complainants has deliberately and negligently exhausted 1199 bags upon the chicken who suffered weight loss. The OP's accordingly prayed for dismissal of the Complaint.

We have heard the counsel for the parties perused the documents placed on record including the written arguments advanced by the parties and are of the considered opinion that the complainants purchased feed from the opposite parties, however while utilizing the same in their poultry farms they witnessed that the chicks reduced growth. The complainants approached the opposite party hereinafter referred to OP 1 in the complaint. However, they were advised to get the feed tested consequently complainants got the feed tested from poultry nutritionist Hariparbat Srinagar which reported the protein level of the said feed as 15.5% only as against 20% which substantiates that the feed supplied by the OP's was not on the standard level. Additionally, as per Bureau of Indian Standards guidelines displaying the nutritional chart on the feed bags is essential which ensures transparency about the feeds nutritional contents so that the consumers use the feed safely and effectively however in the present case it has come to fore that the feed bags supplied by the OP's were supplied without any nutritional chart.

Since the OP's have failed to adhere to the guidelines of the Bureau of Indian Standards Act and to display the nutritional chart on the feed bags sold to the consumers. And selling the feed bags without displaying the nutritional chart and the feed which does not contain sufficient nutritional level amounts to unfair

trade practice on the part of the OP's in accordance with section 2/47 of the consumer protection Act 2019.

In view of the above facts and circumstances of the case, the complaint of the complainants is allowed and disposed off with the following directions: -

- 1.The OP's are directed to recall the feed products from the market if so supplied which does not display the nutritional chart.
- 2.The OP's are further directed to strictly adhere to the guidelines of the Bureau of Indian Standards Act and display the nutritional chart on every feed bag to be supplied or sold to the consumers in future.
- 3.The OP's are further directed to pay an amount of **Rs.5,00,000/-** lacs each to the complainants as compensation for the loss caused due to the sub- standard feed supplied to the complainants.
- 4.The OP's are further directed to refund the amount of **Rs.2,22,457/-** and **Rs.1,89,016/-** to the complainants as paid by them on account of purchase of the Poultry feed.
- 5.The OP's are further directed to pay **Rs.30,000/-** as litigation charges.

The opposite party shall comply with the order within a period of 4 weeks from the date copy of this order served upon him.

Order announced
Date: 24-06-2025

Nyla
24/06/25
Nyla Yaseen
Member
District Consumer Disputes
Redressal Commission
Baramulla

Peerzada
24/06/25
Peerzada Qasim Hussain
President
District Consumer Disputes
Redressal Commission
Baramulla

Copies of this Order be provided to the parties for compliance and file be consigned to records after due completion.