

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 3493 OF 2017

(Against the Order dated 23/08/2017 in Appeal No. 1312/2016 of the State Commission Uttar Pradesh)

1. BABU RAM

S/O. LT. RAM BHAROSEY, R/O. VILLAGE GULARIA
LEKHRAJ, P.S. KEOLARIYA, TEHSIL NAWABGANJ
DISTRICT-BAREILLY
UTTAR PRADESH

.....Petitioner(s)

Versus

1. SARTAJ ALI

S/O. SAHIJAD ALI, R/O. GULARDIA LEKHRAJ P.S.
KEOLARIYA, TEHSIL NAWABGANJ,
DISTRICT-BAREILLY
UTTAR PRADESH

.....Respondent(s)

REVISION PETITION NO. 3494 OF 2017

(Against the Order dated 23/08/2017 in Appeal No. 1314/2016 of the State Commission Uttar Pradesh)

1. BABU RAM

S/O. LT. RAM BHAROSEY, R/O. VILLAGE GULARIA
LEKHRAJ, P.S. KEOLARIYA, TEHSIL NAWABGANJ
DISTRICT-BAREILLY
UTTAR PRADESH

.....Petitioner(s)

Versus

1. DEV DUTT

S/O. LAKHAN LAL R/O. VILLAGE GULARDIA LEKHRAJ
P.S. KEOLARIYA, TEHSIL NAWABGANJ,
DISTRICT-BAREILLY
UTTAR PRADESH

.....Respondent(s)

BEFORE:

**HON'BLE AVM J. RAJENDRA, AVSM VSM (Retd.), PRESIDING
MEMBER**

FOR THE PETITIONER :

FOR THE PETITIONER : MR. T.H. NAQVI, ADVOCATE

FOR THE RESPONDENT :

FOR THE RESPONDENT : MR. O.P. DUVEL, ADVOCATE

Dated : 01 May 2024

ORDER

1. These two Revision Petitions RP/3493/2017 and RP/3494/2017 have been filed under Section 21(b) of the Consumer Protection Act, 1986 ('the Act') by the Petitioner against impugned orders dated 23.08.2017, passed by the State Consumer Disputes Redressal Commission, UP, Lucknow ('State Commission') in FA Nos. 1312 and 1314 of 2016. In these appeals, the Petitioner/Opposite Party appeal was dismissed, thereby affirming the

Orders dated 01.06.2016, passed by the District Consumer Disputes Redressal Forum, Bareilly ("District Forum") in Consumer Complaint Nos.34/2015 & 36/2015 wherein both the complaints filed by the Complainants were allowed in part.

2. Since the facts and questions of law involved in both the Appeals are substantially similar, except for minor variations in dates and events, both the petitions are being disposed of by this common Order. For ease of reference, R.P. No.3493 of 2017 shall be considered as the lead case, and the facts presented below are drawn from ***Consumer Complaint No. 34/2015***.

3. For convenience, the parties are being referred to as placed in the original Complaint filed before the District Forum.

4. Brief facts, as per the Complainant, are that he applied for a ration card through the Opposite Party (OP) in the year 2000. However, despite repeated inquiries, the OP consistently informed him that the ration card had not been issued yet. In 2013-2014, due to irregularities in the distribution of ration cards to cardholders, a list of ration card holders was published online. Upon checking this list, the Complainant discovered that his name was included among the Below Poverty Line (BPL) ration card holders. Upon confronting the OP about his ration card, the OP denied issuing any ration card to him. Subsequently, he obtained information under the Right to Information (RTI) Act, 2005 which confirmed that his name was indeed present in the list of consumers. Feeling aggrieved by the OP denial and the discrepancy in ration card issuance, the complainant filed a consumer complaint before the District Forum seeking resolution of the matter.

5. In reply, the OP contested the jurisdiction of the District Forum, claiming that necessary parties were not impleaded in the complaint. It was argued that the Complainant's motives were questionable as the dispute is politically motivated due to the proximity of Panchayat elections and the Complainant's association with OP's competitor. Additionally, the OP refuted the claim that the Complainant had applied for a ration card through them, asserting that they were not responsible for issuing ration cards. The ration was regularly supplied to the cardholders and provided evidence of the Complainant receiving ration in June 2014. The OP denied any wrongdoing and emphasized that they never refused to supply ration through the Below Poverty Line (BPL) quota, although they questioned the Complainant's eligibility for such benefits given his financial status. Consequently, they urged the dismissal of the complaint.

6. The District Forum in its Order dated 01.06.2016 allowed the complaint in part and granted the following relief to the Complainant:

"ORDER

The complaint of the complainant is partly allowed. The opposite party is directed to supply ration to the complainant on the basis of his BPL Card per month in future and pay Rs.15000/- as compensation and Rs.5,000/- as cost totaling to Rs.20,000/- within a month otherwise the complainant will recover Rs.20,000/- with interest at the rate of 9% from the date of filing this complaint till final payment, through the District Forum.”
(Extracted from translated copy)

7. Being aggrieved by the Order of the District forum, the Petitioner/ OP filed Appeal No. 1312/2016 before the State Commission. The State Commission vide Order dated 23.08.2017 dismissed the Appeal and affirmed the Order of the District Forum, with the following observation:

“The District Forum has stated in the judgment that it is clear from the letter dated 8.01.2015 sent to the respondent/ complainant that the respondent/complainant was the consumer of the appellant/ opposite party but the complainant has not been provided any ration on the basis of BPL ration card. The appellant/opposite party has not denied the aforesaid letter in his appeal. The appellant/opposite party has filed copy of letter dated 25.10.2014 as annexure 9, which is addressed to respondent/ complainant, but has not filed any evidence regarding delivering or receiving by the respondent/ complainant. It is stated in that letter the respondent/ complainant has not received the ration of his BPL Card since July, 2014 and this letter was written which the respondent/ complainant got the information about his BPL. Ration Card through Internet. The appellant/ opposite party has also filed copies of sail Register of ration sugar of June, 2014 an annexure 10 where in the name of the respondent/ complainant is written at serial No. 93 and a thumb impression is affixed but the District Forum has found that it is not certified that the respondent/ complainant affixed his signature after receiving the ration. It is clear from the aforesaid letter dated 25.10.2014 of appellant/ opposite party that the respondent/ complainant has not been provided ration from July, 2014 but after a lapse of three months, the appellant/ opposite party did not provide this information to the departmental officer and this letter was written to the respondent/ complainant when he got the information of his BPL ration Card through Internet. Therefore, after perusing all the facts, circumstances and evidence, we are of the view the District Forum has rightly concluded the appellant /opposite party guilty of unfair Trade practice regarding distribution of ration of BPL Card of respondent/complainant. The District Forum has passed a reasoned and legally just order and there is no need to interfere in it.

On the basis of discussion made above, both the appeals are dismissed.

Parties shall bear their own costs in both the appeals.”

(Extracted from translated copy)

8. Being dissatisfied by the Impugned Order dated 23.08.2017 passed by the State Commission, the Petitioner / OP filed the instant Revision Petitions.

9. The learned counsel for Petitioner argued that the OP denied any wrongdoing and emphasized that they never refused to supply ration through the Below Poverty Line (BPL) quota, although they questioned the complainant's eligibility for such benefits given his financial status. He sought to allow the Revision Petitions and set aside the impugned orders passed by the fora below.

10. The learned Counsel for the Respondents/ Complainants argued in favour of the concurrent finding of the Fora below. He sought to dismiss the Revision Petitions with costs. He has relied upon the judgment of ***Lourdes Society Snehanjali Girls Hostel and Anr. Vs. H&R Johnson (India) Limited and Ors., (2016) 8 Supreme Court Cases 286.***

11. I have examined the pleadings and associated documents placed on record, including the orders of the learned District Forum and learned State Commission and rendered thoughtful consideration to the arguments advanced by learned Counsels for both the parties.

12. The learned District Forum issued a well-reasoned order based on evidence and arguments advanced before it. The learned State Commission, after due consideration of the pleadings and arguments, determined by detailed order that no intervention is warranted on the District Forum's order. It is a well settled position in law that the scope for Revision under Section 21(b) of the Consumer Protection Act, 1986 and now under Section 58(1)(b) of the Consumer Protection Act, 2019 confers very limited jurisdiction on this Commission. In the present case, there are concurrent findings with well-reasoned orders. Therefore, the revisional jurisdiction of this Commission is limited. After due consideration of the entire material on record, I do not find any illegality, material irregularity or jurisdictional error in the impugned Order passed by the learned State Commission warranting interference in revisional jurisdiction under the Act. I place reliance on the decision of the Hon'ble Supreme Court in the case of ***'Rubi (Chandra) Dutta Vs. M/s United India Insurance Co. Ltd., (2011) 11 SCC 269.***

13. In addition, Hon'ble Supreme Court in '**Sunil Kumar Maity vs. SBI & Anr. Civil Appeal No. 432 OF 2022 Order dated 21.01.2022** observed as follows:-

"9. It is needless to say that the revisional jurisdiction of the National Commission under Section 21(b) of the said Act is extremely limited. It should be exercised only in case as contemplated within the parameters specified in the said provision, namely when it appears to the National Commission that the State Commission had exercised a jurisdiction not vested in it by law, or had failed to exercise jurisdiction so vested, or had acted in the exercise of its jurisdiction illegally or with material irregularity. In the instant case, the National Commission itself had exceeded its revisional jurisdiction by calling for the report from the respondent-bank and solely relying upon such report, had come to the conclusion that the two fora below had erred in not undertaking the requisite in-depth appraisal of the case that was required."

14. Similarly, in a recent order the Hon'ble Supreme Court in **Rajiv Shukla Vs. Gold Rush Sales and Services Ltd. (2022) 9 SCC 31** has held that:-

As per [Section 21\(b\)](#) the National Commission shall have jurisdiction to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised its jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. Thus, the powers of the National Commission are very limited. Only in a case where it is found that the State Commission has exercised its jurisdiction not vested in it by law, or has failed to exercise the jurisdiction so vested illegally or with material irregularity, the National Commission would be justified in exercising the revisional jurisdiction. In exercising of revisional jurisdiction the National Commission has no jurisdiction to interfere with the concurrent findings recorded by the District Forum and the State Commission which are on appreciation of evidence on record.

15. Based on the deliberations above, I do not find any merit in the present Revision Petitions No.3493 and 3494 of 2017 and the same are therefore, **Dismissed**.

16. Keeping in view the facts and circumstances of the present case, there shall be no order as to costs.

17. All pending Applications, if any, also stand disposed of accordingly.

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AVM J. RAJENDRA, AVSM VSM (Retd.)
PRESIDING MEMBER