

SUPREME COURT OF INDIA

K.N. Sharma

Vs.

Toshali Resorts International

(S.R. Babu, B.Kumar and G. Mathur JJ.)

10.01.2003

ORDER

1. Leave granted.

2. A complaint was made to the District Consumer Disputes Redressal Forum (for short the Forum) in regard to time share in resorts belonging to the respondents. The Forum took the view that the matter was covered by an earlier decision of the National Commission in respect of time share in the immovable property and therefore would not be a consumer dispute.

3. This Court in the case of Lucknow Development Authority v. M.K. Gupta, took the view that even in respect of matters where immovable property is involved, the question to be examined was whether there was any service to be rendered in relation thereto and whether the complaint made was in respect of the same or not. That aspect seems to have been lost sight of by the Commission. Therefore, we set aside the order made by the Forum and remit the matter to it for fresh consideration in accordance with law. The appeal is allowed accordingly.