

SUPREME COURT OF INDIA

Mountaineers Association of Dombivili

Vs.

Suhas M. Wad

C.A.No.2823 of 1999

(Shivaraj V. Patil and D. M. Dharmadhikari JJ.)

07.04.2004

JUDGMENT

S.V.Patil, J.

1. A preliminary issue arose before the District Consumer Redressal Forum (for short, 'the District Forum') as to whether the respondents were consumers under Section 2(d) of the *Consumer Protection Act, 1986* (for short, 'the Act'). The District Forum held that they were consumers. The appellant challenged that finding before the State Consumer Disputes Redressal Commission (for short, 'the State Commission'). The State Commission also concurred with the order passed by the District Forum but without dealing with it in details. The appellant took up the matter in revision before the National Consumer Disputes Redressal Commission (for short, 'the National Commission') challenging the validity and correctness of the order passed by the State Commission. The National Commission, in the first round, remitted the case to the State Commission to consider on merits all the contentions touching the preliminary issue. After remand, the State Commission, by a considered order, held that the respondents were consumers. Again, the appellant filed a revision petition before the National Commission for the second time challenging the findings on the very preliminary issue. The National Commission, by the impugned order, dismissed the revision petition filed by the appellant. Hence, this appeal The learned counsel for the appellant, before us, contended that having regard to the nature of the activities carried on by the appellant, looking to the facts and circumstances of the case and keeping in view the definition of 'consumer' and 'service' given under the Act, the finding recorded on the preliminary issue that the respondents were consumers is incorrect and cannot be sustained.

2. Per contra, the learned counsel for the respondents made submissions supporting the impugned order and asserting that the respondents were consumers within the definition given under the Act.

3. Having regard to the facts found by the State Commission in the order and having due regard to the definition of 'consumer' in Section 2(d) and 'service' in Section 2(o) of the Act,

which are wide enough, in our view, the finding recorded by the District Forum, as affirmed by the State Commission and the National Commission, is correct. We do not find any good ground to take a different view. In this view, finding no merit in the appeal, we dismiss it but with no order as to costs.

4. We, however, add that all the contentions of the parties in regard to other aspects that arise for consideration before the District Forum are left open.

5. Having regard to the age of the case, we expect the District Forum to resolve dispute as expeditiously as possible.

Appeal dismissed.