

Sector-Agriculture

S. No	Link	Summary	Citation	Forum	Case No.	Date of Judgment
1.	https://indiankanoon.org/doc/196412967/	In a Revision Petition No. 912 of 2018 (against the order dtd. 23/10/2017 in Appeal No. 922/2016 of the State Commission Haryana) of Indian Farmer Fertilisers Cooperative. Ltd. Vs Vijay Kumar & Anr. Hon'able National Consumer Dispute Redressal Commission relied on its earlier order dt. 14/01/2016 in Reliance Life Sciences Pvt. Ltd. vs Umesh Singh Chandan Singh Saddiwal & Anr. and connected cases RP Nos.1033, 1034, 1037, 1038 and 1039 of 2015 decided on 14.01.2016, wherein the Commission inter-alia held as under: "16. As far as the circulars issued by the Government of Maharashtra are concerned, the said circulars do not indicate as to what was the source of the power in exercise of which the said circulars were issued. The said circulars do not purport to have been Consumer Bulletin 3 (February 2019) issued under a provision of the Seeds Act or the Rules framed thereunder. Even if it is presumed that the aforesaid circulars have been issued under the provisions of the Seeds Act or the rules framed thereunder, the failure to follow the said procedure cannot be fatal to a complaint, filed under the provisions of the Consumer Protection Act. Hence, the failure of the Seed Inspector or for that matter District Level Enquiry Committee, to follow the said procedure, cannot lead to dismissal of a Consumer Complaint, if the complainant is otherwise able to prove his case. In this regard, we cannot be oblivious to the fact that there is no way a farmer can compel the seed inspector or the committee	1. INDIAN FARMERS FERTILIZERS CO-OPERATIVE LTD. (IFFCO) THROUGH ITS AUTHORIZED REP. IFFCO SADAN C-1, DISTT. CENTRE, SAKET PLACE, NEW DELHI-110017Petitioner(s) Versus 1. VIJAY KUMAR & ANR. S/O. SH. RAM SINGH, R/O. VILLAGE SAHAPUR, TEHSIL AND DISTRICT-HISAR HARYANA 2. INDIAN FARM FORESTRY DEVELOPMENT CO-OPERATIVE LTD. PLOT NO. 61, SECTOR 27 & 28, DISTRICT-HISAR HARYANARespondent(s)	NCDRC	REVISION PETITION NO. 912 OF 2018 (Against the Order dated 23/10/2017 in Appeal No. 922/2016 of the State Commission Haryana) REVISION PETITION NO. 913 OF 2018 (Against the Order dated 23/10/2017 in Appeal No. 924/2016	

	<p>to follow the procedure prescribed in the Seeds Rules or the rules framed in circulars, if any, issued thereunder. There will be no justification for penalizing the farmer for such a failure on the part of the Seed Inspector or the committee. 15. In this behalf, the following observations of the Hon'ble Supreme Court in Maharashtra Hybrid Seeds Co. Ltd. Vs. Alavalapati Chandra Reddy & Ors. (1998) 6 SCC 738 are also apposite: - ".....Moreover, if the opposite parties have disputed that the seeds were not defective they would have applied to the District Forum to send the samples of seeds from the said batch for analysis by appropriate laboratory. But the opposite parties have not chosen to file any application for sending the seeds to any laboratory. Since it is probable that the complainants have sown all the seeds purchased by them, they were not in a position to send seeds for analysis. In these circumstances, the order of the District Forum is not vitiated by the circumstance that it has not on its own accord sent the seeds for analysis by an appropriate laboratory." The learned counsel for the petitioners assailed the report of the committee on the ground that the prior notice of the inspection was not served upon the petitioner, the notice having been sent by ordinary post on 27.05.2008 and since the inspection was carried out on 31.5.2008, the said notice was not even received by the petitioner. The report was also assailed on the ground that it had not been signed by all the members of the committee. As noted earlier, the failure to follow the procedure prescribed under the circulars issued by the Government of Maharashtra will not be fatal to the complainants in a consumer complaint, if he is otherwise able to</p>			of the State Commission Haryana)	
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		<p>prove that the seeds purchased by him were defective. Therefore, even the inspection carried out in the absence of the representative of the petitioner committee could be taken into consideration by the fora below though it can hardly be disputed that the inspection report would have been considered to be more authentic, had the representative of the petitioner company been present at the time of inspection. The complainant purchased 180 Kgs of Gwar seeds from the petitioner. The seeds were sown by them in their respective agricultural land but the crop was not upto mark. The said seeds had been manufactured by respondent no. 2 and according to the complainants, they were assured by the petitioner that the seeds would give proper yield of 8 to 10 quintals per acre. This is also the case of the complainants that while sowing the seeds, they had followed proper instructions and procedure and had taken due care and precautions required for the said crop. They also claim that they had prepared the fields ploughing them three times in order to get better yield. On complaints made by the complainants to the Agriculture Department, an inspection was carried out by their team on 26.09.2012 and they found the plants to be of different variety. About 60-70% of the plants had high growth without any fruits. Being aggrieved from the financial loss suffered by them on account of insufficient yield, the complainants approached the concerned District Forum by way of two separate Consumer Complaints. The District Forum having dismissed the complaints, the complainants approached the concerned State Commission by way of two separate appeals. Vide impugned order dated</p>				
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