CHAPTER VI

CONSUMER PROTECTION AND SOCIAL REACTION
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INTRODUCTION

Consumers used to be quiet after bearing the losses of services with short comings and mistakes in his daily life. The consumption of those services private or public was rather compulsory in daily routine. He could not speak of his agony before any one. But with the enactment of Consumer Protection Act, specially in urban areas, consumer approach with their grievances before consumer Redressal Forums and these forums do justice to them by awarding compensations for their losses. The increasing number of complaints of consumers and the decisions with compensations are increasing day by day. This shows the symptoms of an important social reaction towards Consumer Protection Act. It is also true that there reactions were limited to few services only of Telephone services, services rendered during Railway travels and Bus travels, sanitary services of Municipal Committees, services during allocation of Residential Houses, Banking services, Courier services, Negligence in private Medical services, etc.
Thus consumers of above services are getting lot of relief in urban areas. There are still certain Govt. services in which the consumers are continuously bearing the loss for the negligence of workers or management, e.g. Govt. Medical Hospitals. There services have been kept outside the preview of Consumer Protection Act, because these Hospitals do not charge fees for their services from consumers, while the Act is applicable in the services of private Medical Hospitals. The peculiar situation in our country is that the number of patients or consumers is very large in Govt. Hospital in comparison to private one because majority of patients cannot afford the heavy expenditure of private Hospitals due to wide spread poverty and low income.

The aim of social legislation is not achieved till the majority of persons do not enjoy its protection. Similarly adulteration in quality and quantity of goods in rural areas where the seller is a Monopolist, in present day laws, is another shortcomings resulting into redressal of petty consumers e.g. one labourer after doing hard work earns money and approaches the only Kirana Merchant of the village. He purchases 250 gm. of Haldi in which there is mixture of harmful matter causing the damage in his and his family's health. Secondly the labourer also suffers monetary loss because the shopkeeper has
given less quantity of Haldi to through mischievous weights and measuring appliances. As the shopkeeper is alone in the village, the labourers are compelled to purchase items of daily use from his shop and the shopkeeper does all sorts of adulteration and monetary looting. To check these offences against consumers, the law should make compulsory for shopkeeper to give receipt of every sale and if the shopkeeper refuses to give receipt, it should be kept in the category of misconduct and made punishable in law. In the absence of receipt, the consumer is unable to approach any Consumer Redressal Forum and the shopkeeper remains fearless. The above provision if made will certainly check the monopolistic activities of shopkeeper and consumers will be able to approach the doors of Consumer Redressal Forums for relief and justice.

Another example is of those salesmen of different companies who produce goods of low quality and knock door to door. They befool the consumers by their attractive offers and sale their items which turn to be useless after some time or even after only single use. It becomes difficult to search out the sale agent or dealer to complaint about the low quality of items for replacement or for return of money. Some of these items are Emergency light, Mixy, Juicer, Fan and several such items. It is a simple clear case of
cheating with consumers. The legislation authorities should pay attention towards this social menace. These agents should give their full address in the local police station before entering the area, so that the consumers can call them before Consumer Redressal Forum in case of need and get compensation for their loss. Secondly such salesman and producers should be taken in to task by law who are habitual of such type of cheating the consumers and playing with their health, life and money.

"Roti, Kapra Aur Makan" these are the basic fundamental necessities of every person to lead a social life. There are several persons who save money for getting or building a house for them selves after many years of hard work and for earning money and lot of sacrifice for saving it. But when this dream is broken by the builders or house sellers by cheating him leaving the consumer in help-less condition the situation becomes very thrilling. Due to enactment of the Consumer Protection Act, "a very wide social reaction has been seen in the form of plenty of cases of housing before Consumer Redressal Forums though out India : Few examples are as following :

**Housing - 93** "Consumer" complainant is member of the Sanstha which had purchased plots and prepared the lay out for
allotment to members. Complaints are members of a Housing Society - The flats were to be constructed and the cost of each flat was rupees one lac. Complainants paid Rs. 60,500/- and the remaining was to be paid in installment, expect Rs. 2,500/- which was to be paid at the time of delivery of possession. Society also demanded escalation cost. Complainants filed a complaint and agreed to pay Rs. 39,500/- within three months time State Commission directed them to pay Rs. 37,000/- with 14% interest and the escalation cost was directed to be decided in consultation with all members hence appeal; filed in NCDRC in case of Dilip Bapat & Anr. Vs. Panchavati Cooperative Housing Society Ltd.¹ "Delay in Possession" probable date of completion was December 1990, possession not delivered, complaint filed, O.P. could have completed flat before November 1991 @12% p.a. In case of Dr. H.S. Devraj Vs. B.D.A.² Karnataka S.C.D.R.C. Consumer Residential Plot O.P. applications for registration of residential plots. Complainant applied and paid Rs. 1000/- as initial deposit in 1978. Plot not allotted, complaint filed for allotment of plot. District Forum held, complainant as not consumer appeal whether view of District Forum is right ? - (No). In appeal view of District Forum rejected in case of - J.P. Singh Vs. Improvement Trust Ludhiana Punjab S.C.D.R.C.
residential plot price O.P. invited applications for residential plot complainant applied for type 'B' plot in 1986 tentative price was Rs. 60,000/- in complainant was offered plot. Asked to make additional payment, complaint filed against whether complainant liable to pay enhanced price? (yes). The State Commission made that complaint, liable to pay enhanced in cases of - Amrit Sagar Vs. Shimla Development Authority Himachal S.C.D.R.C. "Housing" complaints are members of a Housing Society the flats were to be constructed and the cost of each flat was rupees one lac - complainants paid Rs. 60,500/- and the remaining was to be paid in installment expect Rs. 2,500/- which was to be paid to the time of delivery of possession society also demanded escalation cost, complaints filed a complaint and agreed to pay Rs. 39,500/- within three months time state commission directed them to pay Rs. 37,000/- with 14% interest and escalation cost was directed to be decided in consultation with all members hence appeal done in National D.D.R.C.

In case of Dilip Bapat & Anr. Vs. Panchavati Cooperative Housing Society Ltd.\(^5\) Housing complainant entered into an agreement of development of the site for construction of flat for himself O.P. failed to carry out the incomplete work, complainant made full payment construction by O.P. was standard and not
according to specifications possession given late complaint filed compensation of Rs. 32,000/- granted incomplete work and delayed possession by Maharashtra S.C.D.R.C. in case of Sanjay Bhaskar Gawai Vs. M/s Ornage City Builders Pvt. L. & Ors.6 Housing complainant booked one apartment and one shop with O.P. in 1989 paid Rs. 99,000/- no progress in construction, no chance of delivery of possession within 15 months as promised, asked for refund of amount. Not refunded, notice served, not replied complaint filed complainant was entitled for refund with interests @18% p.a. by Delhi S.C.D.R.C. in case of Anjali Gupta M/s. K.M. Enterprises & Ors.7 Delhi S.C.D.R.C. housing - O.P. proposed to construct building complainant booked one shop on 7.6.87 assured completion of construction by 31.12.88 paid amount of Rs. 1,82,000/- entire project lying incomplete complaint filed complainant was entitled to receive amount with interest @18% p.a. Sunil Kapur Vs. M/S. Paragati Developers P. L. & Anr.8 Bombay Rent Act - complainant entered into contract for baring a flat alleged that the construction and facilities were poor and the landlord neglected and refused to provide most of the amenities which were agreed to, whether complaint is maintainable? (No). Complaint was not maintainable in case of Laxmiben Laxmichand Shah and Ors. Vs. Sakerben Kanji
Chandan & Ors.9 Appellant allotted a constructed garage to the respondent as a tentative cost of Rs. 30,000/- in 1982 respondent deposited Rs. 22,000/- as per demand of the appellant by October 10, 1983 delay of more than six years in handing over the possession of garage respondent compelled by the board to pay the price of the garage at the rate prevailing in 1989 i.e. 49,000/- whether the respondent is entitled to claim compensation for delay in delivery of possession by the Board? (Yes). The respondent has been awarded Rs. 16,000/- as compensation calculated on the basis of interest @p.a. on Rs. 22,000/- order of the State Commission upheld in appeal by National C.D.R.C. in case of Secretary cum chief Engineer, H.P. Housing Board Vs. S.K. Ahluwalia allotment of M.I.G. Flat against cash payment to the appellant full amount of the flat paid by the appellant and flat registered in his name delay in handing over possession due to internal managerial problems of the L.D.A. whether appellant is entitled to immediate possession and compensation on account of harassment, mental agony and torture suffered by him due to failure to the respondent in handing over possession after full payment was made? (Yes). Appellant was awarded Rs. 10,000/- compensation and L.D.A. was directed to deliver the possession of the flat on as is where is basis by National
C.D.R.C. in case of M.K. Gupta Vs. Lucknow Development Authority^{11} complaint in response to DDA advertisement for auction of shops on perpetual lease hold basis made a bid for a shop along with kitchen and verandah comprising an area of 28.41 sq. meters, 9 sq. meters, and 18 sq. meters respectively deposited 25% at the time of fall of hammer balance deposited as per demand notice possession taken over complainant formed 12 e.g. meters less area of shop, no water and electricity was available, things assured at the time of auction. No proper approach and front road facing the shop not properly metal led. Business of halwai could not be started because of these deficiencies. Hence complaint whether DDA has given less area and whether DDA has further carved out an area of 12 sq. meters given less to the complainant and re-numbered that area on that shop after the auction Delhi S.C.D.R.C. decided in favour of D.D.A. in case of Pradeep Chadha Ors. Vs. Delhi Development Authority^{12} Delhi SCDRC.

"Appeal" housing complainant was given the possession of house late sewage line in the courtyard, complaint filed state commission awarded interest and compensation for delay in delivery of possession and Rs. 2,000/- as compensation for the inconvenience caused by sewage line. Appeal against whether order
Electricity: In modern age electricity has become part and parcel of daily life in both urban and rural areas. Fan, Mixy, Cooler, Refrigerator all the electric driven machines become useless without electricity and make the life most uneasy. Industries of all types, Agriculture and Electric Trains, immediately stop in the absence of electricity, cause lot of suffering and loss of money. With the enactment of Consumer Protection Act, there has been great social reaction in the form of cases of electricity when consumer are made to suffer by electric supplying company for no fault of consumer some of the important cases are: "Electricity" supply line of complainant connected on 10.3.90 no consumption of electricity as machines not ready meter giving '0' reading complainant willing to deposit minimum charges exorbitant bill raised line disconnected on 21.12.1990 complaint filed alleging deficiency in services bill for the month showed consumption of 18 K.Ws. after if reading is '0' O.P. averred that in case of disputed bill a consumer must refer the dispute to Superintending Engineer O.P. directed to restore electricity if complaint directed to approach Superintendent Engineer. In case of Khageswar Sahoo Vs. Executive Engineer, Talcher Electrical Div. 17 Deficiency in service electricity, complainant filed complaint against electricity department claiming
compensation which they suffered the period of disconnection of electricity, State Commission awarded Rs. 50,000/- to the complainant hence appeal. In case of electricity department Govt. of Goa Vs. Ms. Nunes Enterprises. Electricity complainant was served with three electricity bills over Rs. one lac by D.E.S.U. against defective meter complainant requested for details of arrears instead of furnishing details electricity was disconnected. Electricity was restored on complainant to G.M.D.E.S.U. complainant filed complaint before State Commission DESU revised the demand State Commission held that disconnection of electricity by DESU was malaise only awarded Rs. 7,000/- as exemplary damages complaint was accepted but DESU allowed the claim of 10,000/- of energy hence appeal by both the parties whether there is a deficiency in service? (Yes). Decision in case of Y.N. Gupta Vs. D.E.S.U. Appeal electricity neutral power line snapped in front of complainant's V.C.R. and sound system got damaged complaint filed Rs. 2,000/- claimed as compensation and cost of repair District Forum held O.P. negligent appeal. Karnataka State Electricity Board Vs. G.N. Seshadri Karnataka S.C.D.R.C. Electricity - Electricity applied for village in 1989 - continued for only 7 days - Pillars uprooted due to cyclone cultivation effected - complaint filed -
disruption of electricity due to reasons beyond control - whether is in deficiency in service - (No). Case Kilhara Chandra Das & Ors. Vs. The Executive Engineer, O.S.E.B. Balasore & Ors.\textsuperscript{21} Electricity Connection delay - Complaint applied electricity connection, under the contribution scheme - for drawing 11 KV line and installing metering equipment - delay and negligence causing loss - Explained by the opposite party - whether complaint merits dismissal. (Yes). in case of P.T. Thomas Vs. Kerala State Electricity Board.\textsuperscript{22}

The advancement of science and social life had an invention of telephone. One can talk to persons at very long distance without making any type of journey to that place. Time, money and undue exertion of journey are saved. The long distance, have become very short and multiply economic activities have cropped up giving human life a vivid shape. Telephone has become one of the factors of completeness of life. If telephone service is disrupted, the balance of social life gets disturbed. The regularity in telephone-service has become a social and personal must, the role of Consumer Protection Act to maintain the telephone service regular and perfect by punishing the wrong doer is evident from the following cases : Complaint filed complaint against the opposite party for illegal disconnection of telephone - hearing of the case was conducted by
President along with one member - Difference of opinion among the two - Decision of President was treated as decision of District Forum - Appeal filed before the State Commission set aside the order and directed opposite party to reconnect the telephone - Hence revision - whether there was valid disposal of the case by District Forum and the case should have been remanded by State Commission for fresh disposal. In case of the General Manager, M.T.N.L. Ltd. & Anr. Vs. Nozar J. Irani.23

**Telephone Services**: State Commission directed Madras Telephones to pay Rs. 440/- as compensation to the complainant as increase in the rate of charges for additional entries in Madras Telephone Directory for the year 1990 from Rs. 40/- to Rs. 150/- was justified - whether State the dispute is beyond the jurisdiction of the Act. In case of Madras Telephones Vs. Provisional Consumer Association.24 District Forum had ordered that Madras Telephone would give rental rebate to telephone subscriber for 20 days during the strike bimonthly period amounting to Rs. 110/- in subsequently bill - Further directed to carry over 100 out of 150 free calls of strike of the affected period to the next billing period - State Commission allowed the subscriber to carry over 50 calls as against 100 to subsequent billing period - Hence revision. In case of Madras
Telephone Vs. Madras Provisional Consumer's Association.\textsuperscript{25} Telephone of the complaint had been non-functional for a continuous period of more than seven days - several complaints lodged with respect to the functioning of the telephone - whether complaint entitled to compensation. (Yes). In case of the District Manager Telephone Patna Vs. Lalit Kumar.\textsuperscript{26} Deficiency - Telephone - Excessive billing - Telephone Department rejected the complaint of a subscriber for excessive billing - District Forum cancelled the demand - On appeal, the President of State Commission referred the matter to National Commission as two of members of District Forum who decided the compliant became members of State Commission - National Commission heard the matter. In case of Telecom District Engineer Dharamsala Vs. Pran Nath Mahajan. Appeal - Telephone complaint received telephone bill of Rs. 33222/- complaint filed alleging same as excessive - According to complaint bill not to be exceed Rs. 25000/- O.P. connected before District Forum that complaint be directed to deposit Rs. 25000/- District Forum passed impugned order on basis of connection made by O.P. - O.P. challenging order of District Forum in appeal. Whether O.P. allowed to contradict its statement made before court - (No). In case of Telecom District Manager Vs. M/S. Modi Streets Ltd.\textsuperscript{28}
Principles of national justice - Telephone - Complaint received two false and fabricated bills from respondents for exorbitant amounts - He paid the rental for the said periods of calls to his credit - Complaint utilising Telephone within limits of fee calls available against periodical rentals and paying periodical rentals regularity even against those disputed cycles he paid the rentals - Respondents disconnected, telephone line without any notice on alleged ground of non-payment of rent though complaint paid admitted amount long before the date of disconnection numerous representation in writing given - Respondents took to steps to resolve telephone line orders for restoration passed for on several dates - Telephone line not restored, which was restored after long line - No valid explanation given for illegal disconnection - whether there was has been deficiency in service on the part of respondent (Yes). In case of M/S. Prayash Papers (Pvt.) Ltd. Vs. Divisional Engineer Calcutta Telephones & Ors. Telephone - Delay in shifting telephone - Compensation of Rs. 49150/- claimed - He fund of rental charges also claimed - claim not supported by convincing evidence - Compensation of Rs. 1000/- granted - O.P. directed refund rental charges. In case of M/S. Accumulator Manufacturing Co. Vs. P.K. Khindri & others. - In June, 1989 telephone installed at complaint
house - Did non function - On 23.9.89 started functioning but again went dead next day - started working satisfactory only in November 89 - In February 90 received demand of Rs. 1000/- complainant asked for disconnected for non payment complaint - O.P. alleged that said dues were for rental and shifted charges - District Forum granted rebate on rental charges - Appeal - whether order needs interference (No) in case of District Manager Telecom Vs. Subodh Kr. Sinha. Disconnection of telephones - Telephone originally granted to Kirana Merchants, Mandal, which was succeeded by merchants and ration shop dealers federation - Telephone shifted to premises of President of federation - Federation succeeded by Krishna Retail Merchants Association - Telephone connection shifted to residence of Hony. - Later suddenly department took the telephone in the safe custody without giving any notice or reasons - Appeal against order of District Forum - whether action of District Forum - whether action of Telephone Department in taking the phone into sere custody justified (No). In case of Ramniklal Kunwarjibhai Shah Vs. District Telecom Manager.

Postal Services: Telegram - Complaint not receiving telegram in time - Telegram was about call for interview - complaint filed claiming compensation of Rs. 15000/- as was sure to get job-
complaint not producing evidence about sure selection - whether call for interview can be considered a letter of appointment (No) compensation of Rs. 7000/- awarded for mental and physical strain for deficiency in service in case of A.A. Varadarajan Vs. The Assistant Superintendent (TT).  

**Cooking Gas Supplies:** The use of LPG for cooking is spreading very fast in urban and rural areas. The LPG saves time of cooking in hard economy, instead of Traditional Fuel such as Cow-dung & Forest Wood, resulting into better natural environment. The breaking of joint families into few small individual families have also increased the use of LPG it is a boon for working women because by saving time due to LPG they devote it in other affairs or children and other domestic works. Hence it is most essential that LPG services should be regular, safe and very honest in dealings. The Consumer Protection Act is playing very important role in the matter. The following cases gives clear picture : In case of M/S. Indian Oil Corporation Ltd. Vs. L.S. Lalitha & Ors. Negligence - LPG Accident occurred due to defective LPG cylinders - Complained filed - State Commission hold Indian Oil Corporation and distributor responsible - Appeal - Distributor contending that service rendered by them is free of charge. LPG connection - Permanent resident -
Complaint applied for LPG connections - Not supplied - Complaint filed seeking direction seeking directions to O.P. to supply connection - District Forum observed complainant, having no separate kitchen and not permanent resident of town - Dismissed the complaint - Appeal - Whether denial of LPG connected on ground of temporary residence and no separate kitchen is justifiable. (No) Gas connection - Consumer Protection Act, 1986 - Section 2 (1) (d) consumer complainant registered with opposite party for gas connection - Alleged harassment for releasing connection - claimed compensation - Opposite party averred not a Consumer District Forum dismissed complaint - Hence appeal - whether by merely registration one becomes consumer - No. L.P.G. connection - in case of Satya Narayan Agrawal Vs. Tulsiram and Ors. 35 Consumer - Section 21 (1) (6) Services - LPG connection - complaints were registered for LPG connection with the Distributor told them that they will get the gas connection when their booking matured. Other person juniors to them were supplied with gas connection - complaints were not supplied - plea was taken by the distributor their connections were cancelled as they did not come to bake the same - Distributor informed them that they can be given connections provided the purchase gas stove - Complainants filed complaint
holding that complainants are not consumer - State Commission reserved the order and held the complaints as consumers - Hence revision was allowed in the case of M/S. Mahindra Gas Enterprises Vs. Jagdish Paswal & Ors.36 Appeal - Gas connection - Complain before District Forum regarding delay in granting double bottle gas connection with prayer for directing respondent to issue connection in his favour on the prescribed rates - Appellant conceded he had not expressly taken only slip or written acknowledgement of his priority number - Respondents produced documentary proof regarding appellants serial number in priority and the same had not as yet reached - Appellant unable to conclusively challenge said number in any way - Despite appellants absence District Forum instead of dismissing complaint in default adverted to merits of the matter and passed the order will which was in appellants favour while dismissing complaint - District Forum directed respondent to issue DBC to complainant on prescribed rates as and when his turn came - Not satisfied with the order appeal filed - Whether order of District Forum sustainable ? (Yes) - Order sustained in case of Om Prakash Vs. M/S. Narwana Gas Service.37 Consumer - LPG connection - Complainant application for LPG cylinder registered with O.P. in spite of reminders and assurance by O.P. complainant
could not get cooking gas - Complaints filed O.P. submitted
complainant not a consumer - complaint allowed by District Forum -
Appeal - Whether approach of District Forum misconceived (Yes).
The victim was declared consumer in case of Swasik Gas
Distributors, Vs. Mahabir Pd. Agrawal.38

Banking Services: In ancient times, money-lending was done by
local money-lenders in urban and rural areas. But now a days,
banking services have become very common. The cooperative sector
has given an impetus to Banking in rural areas. The defects in
Banking services, damage the future of individual, seriously. In
order to get employment, the applicants enclose a Bank Draft
alongwith application but a defective or wrong draft causes rejection
of his application and the applicant's carrier is spoiled and future
becomes dark. Similarly loans are granted for self employment or
enhance the business if the installments of loans are not released in
time, the business can not be established or developed. The parties
become debtor and bear hard-shop in life due to a irregularities of
banking staff. People deposit their hard pressed money in the bank
as savings or F.D.S. to secure their old age and future. If the
payment is made to unknown person on forged cheque or by
mistake the depositor is looted and un-ruined. In order to save the
depositor or consumers, Consumer Protection Act is very active to publish the wrong doers and provide the clean banking services in society.

**Consumer of Banking Services:** Fixed Reinvestment certificate of Rs. 5,00,000/- for 24 months with Ramkot Branch of Union Bank of India - Request for premature encashment at eligible rate of int. - Inordinate delay in pre-mature encashment - Complaint about this deficiency of faulty manner of delayed encashment - Preliminary objection that complainant is not a consumer - Whether correct? No, whether impugned banking services suffers from any deficiency. (Yes). In case of P. Nagabhushana RaoVs. Union Bank of India Andhra Pd.39

Revision - Bank - Section 14 - Compensation - Complainant was a student preparing for AMIE Diploma - Last date for submission or application with bank draft of Rs. 200/- for examination to be held on 8.6.90 was 15.4.90 - Complainant obtained the draft from bank and sent it to Engineering Institute on 22.3.90 - Application returned on 23.4.90 as the bank draft was not signed by the Manager of the Bank - She could not therefore appear in the examination - District Forum found bank negligent and awarded Rs. 35,000/- as compensation, State Commission reduced it to Rs.
25,000/- whether the State Commission has acted arbitrarily in interfering with the quantum of compensation (Yes) in case of Malti Bhat Vs. State Bank of India. In case of Mohit Bhatnagar Vs. Bank of India.

Complainant alongwith his wife has taken a locker from a bank - add kept all their jewelry - Wife filed a petition for deviance - Complaint wrote in Oct., 1988 to change the operating instructions - Wife had already operated the locker in July 1988. Whether delay in reply by the Bank led to any avoidable harassment to the appellant (No). In Anita Patel Vs. U.C.O. Bank M.P. Complaint filed alleging deficiency in banking services - G.P. contending consumer forum has no jurisdiction to entertain complaint - District Forum rejected preliminary objection - Appeal - Contended bank service is free of charge - Hence Forum has no jurisdiction - whether correct - (No). Forum has jurisdiction - Deficiency - Bank encasing forged cheques - Callusing between employees of complaint and bank - Debited to wrong account complaint filed - State Commission holding deficiency in service - Appeal - whether order needs interference (No) in case of Corporation Bank & Anr. Vs. M/S Filmalaya Pvt. Ltd. In case of M/S Narsun Battery Manufacturing Co. Pvt. Ltd. Vs. G.M. Andhra Bank & Ors. Bank complaint is a scale industry - asked for
a loan - Bank sanctioned loan of Rs. 0.30 lacs against equitable mortgage, hypothecation of machinery and collateral securities - Collateral security of minor share was not accepted by bank - Additional collateral security was not given - Bank insured the building plant and material for risk against fire only - Not insured against damage by cyclone or nature clarities - Alleged the bank did not provide additional loan for revival of industry in post cyclone period and on the other hand field suit for recovery of outstanding loan - Hence complaint whether there was a deficiency in service (No) - There was no deficiency. Bank - Complaint approached a bank for providing working capital - Bank did not find the proposition economically viable decline to finance it - Himachal Pradesh Financial Corpo. declared it economically viable - Complaint claims compensation on the allegation that he had been financially ruined because of perverse decision of the bank - Whether there is a deficiency in service (No). In case of Ashok Prabhakar Vs. State Bank of India & Ors.45

Insurance: Insurance services have been mainly divided in to two class namely (1) Life Insurance (2) General Insurance Life insurance carry the risk of before time death either by illness or accident or other cause while in General Insurance fire accidents, vehicle
accidents or other types of accidents are taken into account for due compensation to the persons or goods insured. For this service, the insured person has to deposit installments monthly, half yearly or yearly and after the period of insurance their amount is given back with interest to make his old age life easy and happy. In case of sudden death, the money of insurance is released to nominee. The insurance money gives monetary and economic security to the family or the insured. The insurance services shall be easy simple perfect and timely. If there is delay or complication in release of money to aggrieved family, it becomes meaningless so many other issue of variety of insurance scheme such as marriage or education of ward, or construction of house etc. The following cases before Consumers Redressal Forums throw light on this to issue negligence. Damages - Insurance - Complaint started an industry under the self employment scheme got loan from a finance corporation and a bank - Both these institutions, obtained insurance Godavari - Both institution filed claims with the insurance Co. - Finance corporation claim was immediately settled - claim of the bank repudiated by insurance Co. on the ground that flood loss was not covered - Not fulfill for interest as claim settled ex-graita - However insurance co. settled the claim and paid Rs. 1,03,438/- as full and final settlement -
Complainant filed claim with State Commission awarded on the settle amount and Rs. ten thousand as damages - Hence appeal by Insurance Co. - M/S United India Insurance Co. Ltd. Vs. Upadhyay Mohan Rao.46 Revival of policy - Son of complainants took policy of insurance opposite parties/ appellants - Died after payment of arrears of premium with intt. and declaration of good health duly allotted for revival of his lapsed policy - Policy amount used not paid under the plea of lapse of policy on complaint, the District Forum directed opposite to pay policy amount with costs - Appeal filed - whether payment of premium and intt. declaration of good health revives the lapsed policy (Yes) in case of Manager, LIC of India & Aur. Vs. Ramayya & Anr.47 - Insurance - Deficiency in service - Complaint insured stock of nice in mills for Rs. 27.50 lacs - Cyclone, heavy rains and flood caused a lot of damage to the mills and the stock of rice and paddy - Insurance Co. appointed many surveyors and finally the loss was assessed at Rs. 14.80 Lacs and recommend full and final assessment at Rs. 14.16 lacs complainant agreed to accept the same against Rs. 23.30 lacs assessed by an earlier surveyor - Amount not paid because of investigation by CBI. In case of Sri Venkata Padmavathi Raw & Boiled Rice Mill Vs. The New India Insurance Co. Ltd.48
**Transport:** Transport is said to be life line of economy. The goods of daily life are sent from one place to another by different modes of transport. The goods should reach the destination in time to regulate the life of consumers, food grains, cloth, kirana goods, medicine, cement, iron and steel ores, etc. Many plastic goods, milk, fruits are also sent from one place to another. If due to negligence of workers, or transport agencies, the loss in occurred to consumers, the life becomes weary and trouble-some.

Similarly courier services have become very important for consumers. These services supplement the work done by postal department. People prefer courier services more than postal ones because the farmer is cheaper, fast and more prompt. But delay by deficient or negligent courier services again gives hardship to life of consumer. These cases are few important examples of Consumers Protection Act plays active role in this matter - Transport - Consignment of 43 cartoons of medicines could not be delivered to the complainant on account of the negligent act of O.P. complainant could not sell the medicines complaint filed claiming compensation Rs. 5,000/- granted as compensation. In case of Mahendra Singh Jain & Anr. Vs. M/S Sodhi Transport Co. & Ors.49
Railway: Complainants got reserved tickets for first class. Condition or coupe provided was hopelessly bad - another coupe given - That too awfully dirty - Complaint filed - Compensation of Rs. 1,000/- each granted. Hon'ble Mr. Justice A.N. Thakur & Others Vs. Chairman Rly. Board & Others.\(^{50}\) Courier service - Complaint delivered a packet to O.P. for delivery to Ludhiana - Packet containing share certificates not delivered to consignee traced - Complaint filed claiming compensation of Rs. 20,000/- District Forum awarded Rs. 5,000/- appeal by courier - Contending amount awarded as damages are high - Complainant not given details of amount spend for getting copies - Amount of compensation reduced to Rs. 2,500/-. In case of M/S On time Express Pvt. Ltd. Vs. Harsuman Singh Sridhar.\(^{51}\) - Complaint purchased two REP duty free license-handed over to O.P. to be delivered complainants office at Bombay - O.P. lost packet during transit - On account of non available of the licenses complainant had to pay Rs. 97,137/- for taking delivery of goods from customs - complaint filed - complaint entitled for Rs. 97,137/- with intt. in case of Woolen Ltd. Vs. Blue Dart Courier Services & Anr.\(^{52}\) - O.P. entrusted to deliver tender at Delhi - Not delivered in time - Complaint filed - Compensation of Rs. 2,00,000/- claimed O.P. submitting only Rs. 100/- to be paid in the
default. No evidence to show that tender of complainant was lowest
- Loss of complainant quantified at Rs. 10,000/-. In case of M/S H.
Jules & Co. Vs. M/S Overnight Express Pvt. Ltd. & Anr.\textsuperscript{53} -
Consignment not delivered by O.P. - O.P. failed to produce evidence
to show consignment was delivered - whether there is deficiency in
service (Yes). In case of M/S Indu Courier (P) Ltd. Vs. M/S
Vairavan & Sons.\textsuperscript{54}

Consumer Protection Act is a legal arrangement to give relief
to consumers against the wrongs done by sellers of goods which are
either defective, highly, priced or low in quality by way of
compensation and replacement of low quality or defective goods by
high quality un-defective goods. It is a matter of satisfaction that the
costly goods like car, photo copy machine, refrigerator, CD player,
VCR in or VCP and Ultra sound machines used in medical treatment
etc. are purchased after payment or heavy sum of money. Consumer
does not have any knowledge about then technical know how. He is
compelled to trust and believe the seller of the goods in-spit of such
goods are formed defective, he can approach Consumer
Redressal Forums for replacement and compensation for suffering
and loss. The following cases are few important instance of
consumer - In case of Electro make Vs. Sumadhar Entreprisis.\textsuperscript{55} -
Appellant in both appeals sold Deep freezers to both respondents - Found defective - Complaints before District Forum which directed for refund of price of Deep freezers with compensation - Manufacturer a party in one appeal only - Appeal to State Commission. - Complainant purchased Montana Diesel Car from authorised dealer - since delivery was giving troubles, complainant asked dealer to rectify - repairs not effected - complainant spent Rs. 40,000/- for repairs - complainant filed seeking refund of amount spent and compensation - O.P. served that no manufacturing defect was pointed out - District Forum allowed complaint - Appeal - Whether it is necessary that there must be manufacturing defect for the purposes of the applicability of Act ? (No) - M/S Saguna Automobile & Ors. Vs. Selvaraj & Ors. Consumer - 2 (1) (f) Defect 2 (1) (g) Deficiency 2 (1) (o) Service 14 (1) (d) compensation section 5 - Sale Goods Act - Essential Commodities Act - Section 3, consumer - The transaction of sale of petrol would fail within the scope and ambit of service made available to potential users also, and such person a potential user is a consumer contemplated under the Act.

In case of A.P. State Electricity Board & Ors. Vs. A.P. State Electricity Consumers & Ors. Petitioner filed complaint before District Forum Delhi seeking to recover compensation from
respondent No. 1, for damage caused to his VCR due to sudden increase in voltage of the electric supply to his residential house - since respondent No. 1 did not appear not filed any objections hence proceeded with ex-party and ordered to pay compensation to petitioner - Appeal against order to State Commission which allowed to the appeal set-aside the order of the District Forum and dismissed the complaint - on revision against order of State Commission National Commission remanded the complaint to District Forum for fresh disposal on merits. (Yes) - Car - Complainant registered with the manufacturer for the purchase of car paying advance in 1985 - Balance paid in 1990 to pay the car would be delivered to the complainant - Complainant was directed in March 1990 to pay the enhanced cost of the car - Complainant paid the enhanced cost of the car - look delivery and filed complaint for recovery of excess amount and damages - District Forum allowed the complaint - An appeal before the State Commission partly accepted the appeal but awarded Rs. 5,000/- as compensation - Manufacturer filed revision. In case of M/S Premier Automobiles Ltd. & Anr. Vs. T.N. Babu & Anr.58 In case of Dropti Devi Vs. Marutee Udyog Ltd. & Ors.59 - Enhanced amount - Complaint purchased Maruti Omni Van for Rs. 1,32,000/- got insured with O.P.
for period from 5.6.91 to 4.6.92 - price or van increased to Rs. 1,62,000/- complainant requested O.P. to increase value of policy to Rs. 1,62,000/- on 12.8.91 on night intervening 12th & 13th August 91 vehicle stolen - claim filed with O.P. offered Rs. 1,32,000/- complainant made representation to increase amount to Rs. 1,62,000/- complainant made representation to increase amount to Rs. 1,62,000/- O.P. failed to do so - complaint filed seeking recovery of Rs. 1,62,000/- with intt. complainants father working as A.D.M. with O.P. - cheque dated 10.8.91 of enhanced premium give on 12.8.01 large in the evening - No information of theft given to O.P. on 13.8.91 - whether in the circumstances.

**Defective Commercial Goods:** Complainant purchased ultra sound machine continuously mal functioned despite replacement of defective parts - Complaint for replacement of Ultra sound machine of for refund of price with damage and interest clear averment in the complaint that goods mere purchased for professional cum commercial purpose - whether complainant is a consumer within Section 21 of the Act ? (No) in case of B.S. Singha of District Ambala Vs. Chairman/ Managing Director Inachem ATL Ltd. & Ors.60 Deficiency - Compensation - Copier Machine - Complainant unemployed got loan from bank on recommendation of District
Industries Centre assured supply of copier machine - payments made on 30.11.90 - Till 2.3.91 machine not installed - Few days later machine went out of order complaint filed - Complaint entitled for Rs. 1,100/- P.M. in case Surendra Barik Vs. Kores (India) Ltd. & Ors.  

Consumer - Defect - Deficiency in service - Car purchased for the purpose of company in which edible oil mil manufactured - subsequently car developed certain defects - In case the warranty given to compliant replacement of defective parts was allowed only within a period of twelve months or 16000 Kms whichever is earlier complaint filed after expiry of warranty period - whether complaint maintained (No) - M/S Surya Agroils Ltd. Vs. M/S Allied Motors Ltd. & Others.  

Unfair trade practice car - Complainant purchased Montana Diesel Car - O.P. advertised that car is fitted with Misubish (Japan) Englnem - Car not working properly - Found car fitted with Jaya Engine - Complaint filed - Whether O.P. adopted unfair trade practice. In case of Messrs Saguna Automobile & Ors. Vs. Selvarj & Ors.  

Intt. car - Complainant booked white Maruti Omni on date of deposit changed colour - Delay occurred in delivery due to change in colour and strike - O.P. said 12% intt. beyond the period of 7 days - complaint filed claiming 18% intt. complainant would not have got more than 12% on fixed deposit in Bank. Complaint dismissed.
Finding - Car - Manufacturing defects on 6.7.1990 the complaint purchased a car from opposite party No. 1 vehicle insured from the very beginning vehicle disclosed inherent defects on 17.9.1990 it stopped dead on the road - Loaded in a truck - Brought back to the premises of opposite party No. 1 on 11.11.90 a fire broke out in the premises of opposite party No. 1 and the vehicle burnt down no redress from the Insurance Company - Filed & complaint - Cost of in vehicle sought - Whether the complainant is entitled to the return of the price of the defective vehicle supplied (Yes). In case of Jai Dev Sharma Vs. Wheel World Staffroad, Ambala Cantt. & Ors.64

Health is part and parcel of life. In legal language the right to live a healthy life is a fundamental right of a person, which is protected by Article 21 of Constitution. This fundamental right declares those legislations unconstitutional which decrease the fundamental right itself. That is why, it is seen that all the legislations enhance the aims or motto or spirit of provision of constitution in their own ways and include this liability expressly. Now we have to see the role of Consumer Protection Act with the cases related to human health. This is done by studying the cases put before the doors of different Consumer Redressal Forums. It is
also to be seen (i) the cases supported to the Forums (ii) Rejected by
the Forums. Some important cases are given below.

**Medicines:**  "Vexatious litigation" - Complainant purchased a
syrup from the opposite party which was contaminated - Opposite
party did not stop sale of the same as the consumption of the
contents of other bottles was liked to cause disease as her daughter
fell victim to other diseases after consumption of the contaminated
syrup - State Commissioner dismissed the complaint however
ordered for the refund of cost of medicine and further awarded Rs.
500/- as compensation - Hence appeal decided by N.C.D.R.C.65

**Hospital:**  "Compensation" - "Negligence" - Complainant admitted
her elder daughter in a private nursing home for delivery - Taken to
labour room - Instead of attending her went to OPD - Came to
labour room after more than an hour - Informed relatives that she
delivered a made child - Child condition serious requires blood for
the mother - Husband donated blood - Informed mother expired -
Child was also got discharged as the doctor was not a post-graduate
in gynecology. Taken to another hospital - Child also expired -
Complainant filed complaint before State Commission - State
Commission awarded Rs. 2.27 lacs as compensation - Hence appeal.
Case decided by N.C.D.R.C.66
**Nursing Home**: 'Deficiency in Service' - 'Nursing Home' - Complaint is a retired Upper Division Clerk - Got himself admitted in a nursing home for treatment - A surgery was performed upon the complainant alleged that his turned black and the doctor gave instructions to stop transfusion forth with in view of adverse reaction - He was discharged after five days of operation - After four months it was discharged after five days of operation - After four months it was diagnosed that he was suffering Hepatitis B infection - Admitted in another nursing home and underwent treatment and incurred huge expenditure - Alleged that the cause of the disease was supply or infected blood bank and transfused that blood that blood to him using contaminated equipment and apparatus - State Commission rejected the complaint - Hence appeal. In case of A. Narayan Rao Vs. Dr. G. Ram Krishna Reddy and Anr.67 - Whether medical profession comes within the ambit of "service" under the Act? In the complaint it is not pleaded that compression plating on a child of 13 years should never be medically done - No proper evidence either on behalf of complainant or of on medical expert to support his allegations adduced. No medical authority, chapter 4 verse cited on behalf of complainants in the cross-examinations of opposite party - Nothing elicited to weaken his stand - Evidence of
opposite party's witness unchallenged - Whether complaint maintainable? (No). In case of Sachin Agrawal Vs. Ashoka Arora. In this case it was further decided that - 'Deficiency' - 'Service' - Section 14 - 'Compensation' - Section 27 - Penalty - Complainant met with an accident - His left femur fractured - Operated upon and a steel plate inserted in his leg by opposite party - After few months he felt and underwent operations due to crashing of plats in another Hospital - Allegation that in the operation performed by opposite party a proper hole was not made and insertion of steel plate was an act of sheer negligence - Subsequent fracture and prolonged medical treatment was attributed to, negligence of opposite party - Hence complainant for compensation appeared in Consumer Forum. "Compensation" - "Negligence" - Complainant admitted her elder daughter in a private Nursing Home for delivery - Taken to labour room - Instead of attending her went to O.P.D. - Came to labour room after more than an hour - Informed relatives that she has delivered a made child - Child condition serious requires blood for the mother - Husband donated blood - Informed mother expired - Child was also got discharged as the doctor was not a post-graduate in gynecology - Taken to another hospital - Child also expired - Complainant filed complaint before State Commission - State
Commission awarded Rs. 2.27 lacs as compensation - Hence appeal in case of Dr. Sr. Louie & Others Vs. Kallolil Pathumma & Others.69

"Selling Medicine" - Medicine sold to complainant as per prescription - No preparation available in market for the prescribed medicine - Such prescription not expected to be honoured by any Chemist - Cash memo not mentioned name of doctor - Sold medicine of no use of complainant - Complaint filed - Chemist negligent in disposing medicine - Directed to pay compensation. Consumer Forum - Complainant purchased medicines from a Medical Store as per doctor prescription for his wife - Medical Store instead of prescribed tablets gave other - Whether the complainant is a consumer Rs. - (Yes). Case decided in Consumer Forum and opens the door for compensation. - Section 16 - Sales of Goods Act, 1930 - Complainant purchased one ampoule of Deriphyllin injection to be injected intravenous to his mother - Doctor found some black please in it - Doctor it and gave certificate - complaint filed - Whether injection was defective ? - (Yes). In case of Chaman Singh Foujdar and Ors. Vs. German Remedies Ltd. & Ors.

Deficiency in Service - Section 2 (1) (f) - 'Defect' - 'Dental Equipments' - Complainant a Dental Surgeon purchased X-ray machine from opposite party and one aerator hand piece from a
dealer of opposite party - Both machines found defective sent to opposite party for repairs - Opposite party did not repair the machines and retained the same with them - No response to reminder sent by complainant - Whether there has been deficiency in services rendered by opposite party? - (Yes). For Consumer Forum decided in forum of consumer.

**Free Medical Service:** "Consumer" - Service - "Hospital" - Complainant's son suffered from fever entitled for free medical treatment - Admitted as an indoor patient - Died in hospital - Complaint filed negligence in treatment - Whether rending of free medical service comes within purview of the Act? - (No) - in case of Govind Chandra Mohanti Vs. Director Medical & Health Services.71 Whether person receiving free medical service in consumer? - This case is an example of consumer's suffering without remedy. (No). - Service - "Doctor" - Whether rendered by Doctor's in free medical hospital are within scope of security by the redressal agency? - (Yes).

**Govt. Hospital Operation:** 'Consumer' 'Service' 'persons' competent to file complaint', 'Procedure of State Commission', Appeal to National Commission' - Appeal against the order of State Commission rejecting complaint petition on ground that it is not
maintainable under Consumer Protection Act, 1986 - Complaint on behalf of one lady that she underwent an abdominal Tubectomy operation at the Government Hospital, Kota as part of family planning programme - She developed serious complications after surgical operation, reducing her to condition of physically invalid person - Causing her continuous physical pain great mental agony - Allegation in complaint that what was a simple surgery had resulted in serious complications to the patient, on account of negligence on part of civil surgeon who performed the operation and also due to lack of proper post operative care and attention - Prayer for award of Rs. 9,31,000/- to aggrieved patient and her husband as compensation for loss and injury suffered and also for directions to State Government for extending continued proper medical treatment and for payment of all bills relating to medicines etc. - Whether the patient is a consumer ? - (No) - Whether the facility extended to the patient in the hospital is covered by the term 'Service' as defined in Sec. 2 (1) (o) ? - (No) - Whether complaint is maintainable ? - (No) - Therefore appeal also dismissed.

**Hospitals**: Complainant alleged that the hospital authorities were criminally negligent in their diagnosis and treatment of her deceased husband - Hospital repudiated the charges and contended that
complainant is not a consumer - State Commission held that complainant is a consumer and complaint is maintainable - Hence appeal in case of M/S Cosmopotitan Hospitals & Ors. Vs. Vasanta P. Nair.\textsuperscript{72} Brother of the complainant bitten by a poisonous cobra - Admitted to the hospital - Died in the hospital itself - Negligence in treatment alleged against the doctors - Compensation of Rs. 10 lakhs claimed - Professional negligence on the part of the doctors could not be proved - Complaint dismissed in case of A.K. Pias Vs. Karithas Hospital.\textsuperscript{73} Delay in detecting cancer - Services of the hospital not hired for consideration - Tax paid by the complainant to the State does not constitute such consideration - Complaint under the Act not maintainable in case of V.P. Kunnhikannan Vs. E.K. Varghese.\textsuperscript{74}

"Hospital Negligence" - Complainant had a son born on 6.6.89 - subsequently she and her husband suspected pregnancy consulted opposite party on 3.2.90 - Advised her to terminate pregnancy as the earlier delivery was a caesarean one - On 10.2.90 she again went to Hospital - Dr. took her to labour room? - Dr. informed her husband that as she is bleeding profusely therefore she needs immediate operation - Operation was performed and her uterus was removed - She alleges that removal of her uterus was due to rash and
negligence of the doctors as do - Conducted the operation without proper examination and diagnosis - Claims compensation - Whether there is any negligence on the part of the Doctor? - (No). In case of Vinitha Ashok Vs. Hospital & Ors.75 - "Negligence" - Predecessor of the complainants was operated for bypass Surgery in a Hospital - Alleged to have been discharged pre-maturity - Resulting post operative complications - Expired in Hospital after re-admission - Hence complaint - Whether there is any negligence? - (No) in case of Renu Jain Ors. Vs. Escorts Heart Institute & Research Centre.76 "Appeal" - "Hospital" - Complainant was awarded compensation by the State Commission against the hospital for its failure to provide proper treatment to the deceased - Hence appeal by the Hospital - Whether there was any deficiency or negligence on the part of hospital? - (No) in case of Sri Ganga Ram Hospital Vs. D.P. Bhandan & Ors.77 - "Deficiency in service" - "Medical negligence" - Complainants' mother had Thyroid Swelling - Consulted doctor who after various tests recommended surgery - Contacted opposite party - Operated upon - No consent letter obtained - Died after operation n - Complainant filed claiming damage alleging negligence in service - What is medical negligence - Discussed - Whether in the circumstances there was deficiency in service? - (No) - Whether oral
consent for operation is enough? - (Yes) in case of M. Arunachal Vadivel and Ors. Vs. Dr. N. Gopal Krishnan.78

In above cases the consumer appeared before the Forum and cases decided on merit though the consumer did get compensation, but these cases show the social reaction of consumers in case of these health related to medical negligence.

**Blood Bank:** "Compensation" - "Blood Bank" - Complainant purchased blood from Blood Bank for his wife - Alleged that Blood Bank supplied blood containing virus of Hepatitis - Complainant claimed compensation - "Whether complainant is entitled to compensation? - (Yes) - Rs. 20,000/- was available as compensation in case of Sh. Haresh Kumar Vs. Sunil Blood Bank.79

'Defect' - Section 2 (1) (g) & 2 (1) (o) - Deficiency in service - Indian Penal Code, 1860 - Sections 272/ 273/ 275/ 328/ 201/ 341/ 120-B & 109 - Prevention of Food Adulteration Rules, 1955 - Rule 5 - "Food Adulteration" - Complainants on behalf of several victims who fell ill with complaints of numbness of limbs, paralysis of limbs due to consumption of rape seed oil adulterated with Argemone oil and Tricreasl Phosphate - The said rape-seed oil was sold by a ration shop respondent No. 3 - Criminal cases were filed against the guilty persons - State Govt. admitted before National Commission - The
opposite party No. 1 did not carry out Argemone oil test in the rape-seed oil although it is a prescribed procedure under Rule 5 of prevention of Food Adulteration Rules, 1955 - The CFL test established the presence of TCP in the four samples put by opposite party No. 4 - After enquiry report admitted various lapses on the part of ration office in supervising the ration shops activities - Similarly Calcutta Municipal Corporation was empowered to prevent adulteration - They admitted their handicap less - The victims suffered various degrees of physical injuries and mental agony - opposite party did not appear at all and the matter was heard ex-party - Earlier consumers unity and trust society filed a representative class action complaint before the National Commission which granted some relief to the victims with liberty to the victims to seek relief's against private culprits - Whether opposite party No. 3 is liable to pay compensation for selling adulterated defective rape-seed oil? - (Yes). Compensation paid by the Consumer Forums in case of Barsad Ali and Ors. Vs. Managing Director West Bengal Essential Supplier Commodities Ltd. & Ors.

**Adulterated Goods:** Complainant purchased one packet of Lipton Tea - Found small crystal like stones in it - After boiling mixture turned violet in colour - Lipton Co. was informed for
investigation - Opposite party gave assurance to send their representative with a fresh replacement - Representative visited but packet not handed over and got examined - The report confirmed presence of foreign - District Forum dismissed the complaint - Hence appeal - Whether District Forum was justified in dismissing the complaint on the ground there is no cause of action as the tea packet was replaced? - (No). In case of Achla C. Dalvi Vs. Lipton India Ltd. & Ors.\textsuperscript{81}

"Water" - Appeal against order of District Forum directed appellant to charge average rate for water consumption - Nature of dispute requires reconsideration - whether order of District Forum can be set aside and directed to consider the complainant afresh? - (Yes). In case of Asstt. Engineer PH. Rent Sub Division Vs. Vidya Sagar Shahu.\textsuperscript{82}

**Polluted Water**: "Compensation"-Complainants claim compensation that due to polluted water supply, jaundice was caused to them - District Forum awarded a compensation of Rs. 3,000/- order quashed by holding that there is no direct nexus between the illness and polluted water supply and alleged negligence not proved. In case of Nagar Palika Nigam Vs. Ravi Kant Pandey.\textsuperscript{83}
Consumers have taken help of Consumer Protection Act in different aspects of their life. They have tried in matters of health. Many cases show that consumer could not get remedy due to Free Medical Services which do not come under the purview Consumer Protection Act for compensation. This indicates that proper Amendment be made in legislation to provide relief to consumers for then Actual sufferings in case of health.
CITATION

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2. Ibid Karnataka S.C.D.R.C., P. 65
3. Ibid Punjab S.C.D.R.C., P. 72
4. Ibid Himachal S.C.D.R.C., P. 84
5. C.P.J. 1993 N.C.D.R.C., P. 68
8. C.P.J. 1993 Delhi S.C.D.R.C., P. 343
10. C.P.J. 1992 National C.D.R.C., P. 64
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