

STATE CONSUMER DISPUTES REDRESSAL COMMISSION

KERALA

REVISION PETITION NO. SC/32/RP/24/2023

WITH

SC/32/IA/928/2026 (IMPLEADIND)

ANAND G KAMATH

.....Petitioner(s)

PRESENT ADDRESS – M/S LALITH BOILER WORKS 11/80 SPW ROAD
ALUVA ,KERALA.

Versus

COCHIN TIRUMALA DEVASWAM LIMITED

.....Respondent(s)

PRESENT ADDRESS – KOCHI 682002,KERALA.

BEFORE:

HON'BLE MR. JUSTICE SRI.B.SUDHEENDRA KUMAR , PRESIDENT

HON'BLE MR. SRI.AJITH KUMAR.D , JUDICIAL MEMBER

SRI.RADHAKRISHNAN.K.R , MEMBER

FOR THE PETITIONER:

NEMO

FOR THE RESPONDENT:

NEMO

DATED: 16/09/2026

ORDER

KERALA STATE CONSUMER DISPUTES REDRESSAL COMMISSION

VAZHUTHACAUD, THIRUVANANTHAPURAM

REVISION PETITION No.24/2023

ORDER DATED : 16.09.2026

(Against the order in I.A.No.18/2022 in C.C.No.371/2019 on the files of DCDRC, Ernakulam)

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PRESENT:

HON'BLE JUSTICE SRI. B. SUDHEENDRA KUMAR

:

PRESIDENT

SRI. AJITHKUMAR D.

:

JUDICIAL MEMBER

REVISION PETITIONER/OPPOSITE PARTY:

1. Anand G. Kamath, S/o Late Gopalakrishna Kamath, M/s Lalit Boiler Works, 11/80, SPW Road, Aluva, Ernakulam – 683 106 (expired)

ADDITIONAL REVISION PETITIONERS:

2. Sandhya A. Kamath residing at Puduma, Parinamam Road, Kaloor, Cochin – 682 017
3. Nivedita A. Kamath, Flat 211, Prime Lotus Apartments, Nizampet, Bachupally Main Road, Hyderabad, Telangana – 500 090
4. Abhisheka A. Kamath, Flat 305B, Divya Jyothi Royal Heights, Manipal County Road, Singasandra, Bangalore – 560 068
5. Annapurna A. Kamath, Puduma, Parinamam Road, Kaloor, Cochin – 682 017

(by Adv. P. Rahul)

Vs.

RESPONDENT:

Cochin Thirumala Devaswom Committee represented by its President, Gosripuram, Kochi – 682 002

(by Adv. K.T. Sidhiq & Adv. G.S. Kalkura)

ORDER

HON'BLE JUSTICE SRI. B. SUDHEENDRA KUMAR : PRESIDENT

The revision petitioner is the opposite party in C.C.No.371/2019 on the files of the District Consumer Disputes Redressal Commission, Ernakulam (for short, 'the District

Commission’).

2. The opposite party filed I.A.No.18/2022 before the District Commission requesting to dismiss the complaint as not maintainable as the complainant is a trust.

3. The complainant filed an objection admitting that the Cochin Thirumala Devaswom Committee is a trust. However, it was contended that the complaint filed by the trust is maintainable. The District Commission, after hearing both sides, dismissed I.A.No.18/2022 holding that the complaint is maintainable.

4. Heard both sides. Perused the records.

5. The short question to be answered is whether the complaint is maintainable for the reason that the complainant is a trust. It is not disputed that the complainant is a trust. The Hon’ble Apex Court in Prathibha Pratisthan v Manager, Canara Bank reported in 2017 (2) KHC 420 : AIR 2017 SC 1303 held that “a trust is not a person as defined in the Consumer Protection Act, 1986 and hence, the trust cannot be a complainant under the Consumer Protection Act”.

6. It is true that the decision of the Hon’ble Supreme Court mentioned above was referred to a larger Bench in Administrator, Smt. Tara Bai Desai Charitable Ophthalmic Trust Hospital, Jodhpur v Managing Director, Supreme Elevators India Pvt. Ltd. & Ors. (2019 KHC 7836 :2019 SCC OnLine SC 2399).

7. Since the question of law was referred to a larger Bench, the law operating the field at present has to be followed till a decision is taken by the larger Bench of the Hon’ble Apex Court. Therefore, the law settled by the decision in Prathibha Pratisthan v Manager, Canara Bank (supra) is to be followed. This being the position, a trust cannot be a complainant under the Consumer Protection Act. Consequently, the present

consumer complaint is not maintainable. Therefore, the order passed by the District Commission on I.A.No.18/2022 cannot be sustained.

In the result, this revision petition stands allowed, the order passed by the District Commission on I.A.No.18/2022 holding that the complaint is maintainable stands set aside, I.A.No.18/2022 stands allowed, and the complaint stands dismissed as not maintainable.

JUSTICE B. SUDHEENDRA KUMAR :

PRESIDENT

AJITH KUMAR D. :

JUDICIAL MEMBER

K.R. RADHAKRISHNAN :

MEMBER

SL

.....
SRI.B.SUDHEENDRA KUMAR
PRESIDENT

.....
SRI.AJITH KUMAR.D
JUDICIAL MEMBER

.....J
SRI.RADHAKRISHNAN.K.R

