

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 2815 OF 2018**

(Against the Order dated 23/10/2017 in Appeal No. 922/2016 of the State Commission Haryana)

1. VIJAY KUMAR

S/O RAM SINGH, R/O VILLAGE SHAHPUR

HISAR

HARYANA

.....Petitioner(s)

Versus

1. IFFCO / INDIAN FARMERS FERTILIZERS

CO-OPERATIVE SOCIETY LTD. & ANR.

COOPERATIVE SOCIETY LTD. THROUGH ITS  
MANAGER ANAJ MANDI,

HISAR

HARYANA

2. INDIAN FAR FORESTRY DEVELOPMENT  
COOPERATIVE LTD.

THROUGH ITS AUTHORIZED PERSON PLOT NO.  
61, SECTOR 27&28

HISAR

HASRYANA

.....Respondent(s)

**REVISION PETITION NO. 2817 OF 2018**

(Against the Order dated 23/10/2017 in Appeal No. 924/2016 of the State Commission Haryana)

1. VINOD KUMAR

S/O RAM SINGH R/O VILLAGE SHAHPUR  
DISTRICT AND TEHSIL

HISAR

HARYANA

.....Petitioner(s)

Versus

1. IFFCO / INDIAN FARMERS FERTILIZERS

CO-OPERATIVE SOCIETY LTD. & ANR.

THROUHG ITS MANAGER ANAJ MANDI

HISAR

HARYANA

2. INDIAN FARM FORESTRY DEVELOPMENT  
COOPERATIVE LIMITED

THROUGH ITS AUTHORIZED PERSON PLOT NO.  
61, SECTOR 27 & 28

HISAR

HARYANA

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. JUSTICE V.K. JAIN, PRESIDING MEMBER**

**For the Petitioner :** Mr. Sanchar Anand, Advocate

**For the Respondent :** Ms. Mansi Bajaj, Advocate and  
Ms. Nidhi Tyagi, Advocate for R-1  
R-2 - Not served

**Dated : 17 May 2019**

**ORDER**

**JUSTICE V.K.JAIN (ORAL)**

These revision petitions are directed against the orders passed by the State Commission whereby compensation quantified at Rs.1,20,000/- for the loss of crop, along with compensation quantified at Rs.21,000/- for a mental harassment and the cost of litigation quantified at Rs.11,000/- was awarded in the consumer complaint subject matter of RP/2817/2018 and compensation for the loss of crop quantified at Rs.30,000/-, alongwith compensation for mental agony quantified at Rs.11,000/- and the cost of litigation quantified at Rs.5500/- was awarded in the consumer complaint subject matter of RP/2815/2018.

2. The facts giving rise to the filing of these petitions have been discussed by this Commission in its order dated 14.6.2018 in RP/912/2018 & RP/913/2018 filed by the respondents - Indian Farmers Fertilizers Co-operative Society Ltd. and read as under:-

*“1. The complainants/respondents 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.*

*2. The complaints were resisted by the petitioner which claimed that there was no defect in the seeds sold to the complainants. It was also alleged that no notice of the inspection was received by them from Agriculture Department which was in violation of the directions contained in the letter dated 03.01.2002 issued by Department of Agriculture, Haryana.*

3. *The District Forum having dismissed the complaints, the complainants approached the concerned State Commission by way of two separate appeals. Vide impugned order dated 23.10.2017, the State Commission allowed the appeals relying upon several decisions of this Commission. In RP/912/2018, the petitioner was directed to pay Rs.30,000/- as compensation alongwith Rs.11,000/- for mental harassment and the cost of litigation quantified at Rs.5,500/-. In RP/913/2018, the petitioner was directed to pay Rs.1,20,000/- as compensation alongwith Rs.21,000/- for mental harassment and the cost of litigation quantified at Rs.11,000/-. Being aggrieved from the aforesaid order, the petitioner is before this Commission by way of these two revision petitions.”*

3. The revision petitions filed by the respondents against the impugned order were dismissed by this Commission vide its above-referred order dated 14.6.2018. Pursuant thereto, the respondent has already complied with the order passed by the State Commission by making full payment in terms of the said order to the petitioner. However, since the petitioners are not satisfied with the quantum of the compensation awarded to them by the State Commission, they are before this Commission by way of these revision petitions. Since there is delay of 257 days in filing the revision petitions, IA/18758/2018 & IA/18761/2018 have also been filed by the complainants/petitioners seeking condonation of the said delay.

4. The applications seeking condonation of delay in filing the revision petitions to the extent they are relevant, read as under:-

*“3. That consequently, the Revisionist requested for his file from the Advocate representing him before the Hon'ble State Commission and the same was handed over to the Revisionist after some time.*

*4. However, due to the precarious financial condition of the Revisionist and due to the Revisionist being a poor agriculturist not familiar with the intricacies of law, the Revisionist was not aware of the remedy of revision available to the Revisionist before this Hon'ble Commission.*

*5. That subsequently, when the Revisionist came in contact with the present counsel, that the Revisionist came to know of the remedy of Revision and it took some time for the Revisionist to raise the financial resources to contest the present Revision.*

*6. That, consequently, the Revisionist took some time to reconstruct the file due to which some time elapsed and after reconstruction of the file, the Revisionist sent the same to his present counsel who drafted the Revision. Thereafter, the Revisionist came down to Delhi to sign the affidavits post which the present Revision could be filed albeit with a short delay.”*

5. Considering the fact that the petitioners are poor farmers and also considering that the State Commission did not award even the minimum price of the crop to them while assessing the compensation for the loss of the crop, the delay in filing the revision petitions is condoned.

6. A perusal of the impugned order would show that in the consumer complaint filed by Sh. Vinod Kumar, there was loss of Gwar to the extent of at least 20 quintals. It was pleaded in the complaint that the price of Gwar at the relevant time raised from Rs.17,000/- to Rs.33,000/- per quintal. The said averment was not disputed in the reply filed by the respondent before the District Forum. Even if the compensation for the loss of the crop is calculated @ Rs.17,000/- per quintal,

the compensation for the loss of crop itself would come to Rs.3,40,000/- in the consumer complaint filed by Mr. Vinod Kumar whereas it will come to Rs.1,02,000/- in the consumer complaint filed by Mr. Vijay Kumar.

7. The learned counsel for the petitioner states that the petitioner would not press for grant of interest on the compensation so quantified, provided that the payment is made in a time-bound manner. The impugned order is therefore, modified to the extent that in addition to compensation for the mental harassment and cost of litigation awarded by the State Commission, the petitioner in RP/2817/2018, namely, Vinod Kumar will be entitled to compensation amounting to Rs.3,40,000/- for the loss of crop, whereas the complainant in RP/2815/2018, namely, Vijay Kumar will be entitled to the compensation of Rs.1,02,000/- in addition to the compensation for mental harassment and the cost of litigation awarded by the State Commission. The balance payment to the complainants shall be made within eight weeks from today, failing which it shall carry interest @ 9% p.a. from the date of institution of the complaint. Both the revision petition stands disposed of accordingly.

.....J  
**V.K. JAIN**  
**PRESIDING MEMBER**