

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION: NORTH-EAST**

**GOVT. OF NCT OF DELHI**

**D.C. OFFICE COMPLEX, BUNKAR VIHAR, NAND NAGRI, DELHI-93**

**Complaint Case No. 223/23**

***In the matter of:***

Sh. Ramveer Goswami

S/o Sh. Chander Singh

R/o H. No. A 27 B, St. No. 3,

Phase-10, Shiv Vihar,

Karawal Nagar, North East,

Delhi-110094

**Complainant**

***Versus***

Delhi Paramedical & Management Institute, D-20,  
New Ashok Nagar,

Near New Ashok Nagar Metro Station,

Delhi-110096

Also at:-

D-16, New Ashok Nagar, Delhi-110096

**Opposite Party**

**CORAM:**

Surinder Kumar Sharma, President

Anil Kumar Bamba, Member

**ORDER****Surinder Kumar Sharma, President**

1. The Complainant has filed the present complaint under Section 35 of the Consumer protection Act, 2019 against the Opposite Party i.e. Delhi Paramedical & Management Institute. As per the complaint, the Opposite Party is running institution in the name of Delhi Paramedical & Management Institute (DPMI in short). It is stated that the complainant's son wanted to take admission in Opposite Party institute for DMLT course for two years and for that the complainant deposited the Rs. 35,000/- on 09.06.23 for one year fees and Opposite Party gave assurance that they will call Complainant within one month. The Complainant stated that after waiting for month, the Complainant reached Opposite Party institute and tried to reject admission because after submission of Rs. 35,000/-, Opposite Party has not provided any books or dress of the institute. On 17.07.23 Complainant submitted admission cancellation application and requested to return the deposited fees amount of Rs. 35,000/- which was allegedly rejected. The Complainant had also sent legal notice to Opposite Party but no reply was given for the same. This shows deficiency on the part of Opposite Party. Hence, it is prayed by the Complainant that Opposite Party be directed to pay Rs.35,000/- with interest as well as the compensation and litigation charges.
2. Arguments heard on admission. Perused the file.
3. From the perusal of the material on record, we find that the Opposite Party is Delhi Paramedical & Management Institute which is a vocational institute. Now the preliminary issue for determination of maintainability of the present complaint is as to Whether educational institutions including a vocational institute come within the purview of the Consumer protection Act, 2019 and whether the Complainant, being student, is the 'consumer' under the Act ?
4. These issues have been dealt with in detail by Hon'ble Supreme Court in **Maharshi Dayanand University Vs Surjeet Kaur (2010)** 11 SCC 159 wherein it is held that the education is not a commodity and the educational institutions are not service providers. Therefore, the students are not consumers.
5. The above mentioned judgment was followed by Hon'ble Supreme Court in **P.T. Koshy & Anr. Vs Ellen Charitable Trust and Ors. in SLP (c) No. 22532 of 2012**.
6. Relying upon the above decisions by Hon'ble Supreme Court, the larger bench of Hon'ble National Commission in its judgment dated 20.01.2020 titled **Manu Solanki Vs Vinayaka Mission University in CC No. 261/2012** held as follows;
- 7.
7. On the above basis, we are of the considered view that the Opposite Party Institute is vocational institute rendering Education to all the persons, including the Complainant and is not running a Coaching Institute. Therefore, the law laid down by the Larger Bench of this Commission in the Case of Manu Solanki is fully applicable and the Institute does not fall within the purview of the Consumer Protection Act, 1986 as it is not rendering any services.
8. In view thereof, this Commission does not have the jurisdiction to entertain the complaint of aforesaid nature as the present complaint is not maintainable.
9. Hence, present complaint is dismissed accordingly, with liberty to the Complainant to approach the appropriate Forum / Court in accordance with law.
10. Order announced on 20.09.2023.

Copy of this order be given to the Complainant free of cost.

File be consigned to Record Room.

(Anil Kumar Bamba)

(Surinder Kumar Sharma)

Member

President