

Person using carrier for biz is not consumer: SC

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THE Supreme Court on Wednesday ruled that if the service of the carrier is availed for any commercial purpose, then the person availing such service will not be a 'consumer' within the meaning of Consumer Protection Act. As a natural corollary, the complaints against the carrier will not be maintainable in such cases, said apex court ruling out its retrospective application before year 2003.

A five-judge constitution bench headed by Chief Justice KG Balakrishnan said, "section 2(d) of act (Consumer Protection Act, 1986) was amended by amendment act 62 of 2002 with effect from March 15, 2003, by adding the words 'but does not include a person who avails of such services for any commercial purpose' in the definition of 'consumer'. After the said amendment, if the service of the carrier had been availed for any commercial purpose, then the person availing the service will not be a 'consumer' and consequently, complaints will not be maintainable in such cases".

However, it will not be applicable to the complaints filed before such amendment in the act, said constitution bench. It delivered its verdict on an appeal of a carrier, Economic Transport Organization. M/s Charan Spinning Mills, assured/consignor took a policy of insurance from National Insurance Co covering transit risks for the period of May 11, 1995 and May 10, 1996 in respect of cotton yarn sent by it to various consignees through rail or road against theft, pilferage, non-delivery and/or damage. The consignor, entrusted a consignment of hosiery cotton yarn having value of Rs 7,70,948 to the carrier on October 6, 1995 for transportation and delivery to a consignee at Kolkata. The goods vehicle carrying the consignment met with an accident.