

State Consumer Disputes Redressal Commission

Mr.Ajay Madhusudan Marathe vs New Sarvodaya Chs on 12 January, 2010

CONSUMER DISPUTES REDRESSAL COMMISSION

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DISPUTES REDRESSAL COMMISSION

MAHARASHTRA STATE,
MUMBAI

FIRST APPEAL NO.676 OF 2009
17/04/2009

Date of filing:

IN CONSUMER COMPLAINT NO.160/2008

ADDL.DISTRICT CONSUMER FORUM: THANE Date of order :12/01/2010

Mr.Ajay Madhusudan Marathe

504, New Sarvodaya CHS

Sector 4, Plot 29-B

Vashi, Navi Mumbai 400 703

Appellant/org.complainant

v/s.

New Sarvodaya CHS

Sector 4, Plot 29-B

Vashi, Navi Mumbai 400 703

.Respondent/org.O.P.

Quorum : Justice Mr.S.B.Mhase, Honble President

Mr.S.R.Khanzode, Honble Judicial Member

Present: None present for the appellant

: ORAL ORDER:

Per Justice Mr.S.B.Mhase, Honble President

1.

This matter was on board for admission on 07/12/2009. When the matter was called no one was present for the appellant. In the interest of justice, matter was adjourned on 11/1/2010. On 11/1/2010 no one was present in the matter when it was called in the morning session. Therefore, it was kept in the afternoon session. When the matter was called on 11/1/2010 in afternoon appellant was not present. Therefore, matter was adjourned to 12/1/2010. Today when the matter is called at 12 o'clock no one is present. Under these circumstances, we have no alternative but to consider the matter on merits and to dispose of the same in accordance with the law.

2. It appears that the consumer complaint no.160/2008 is filed by the appellant as against the society. It was decided on 07/3/2009 and the complaint was rejected. Said order is challenged by filing this appeal.

3. Grievance of the complainant is that the complainant is a member of the respondent society and that he has sent several letters to the respondent society in the name of Mr.Gaikwad-original O.P.no.3 being the Secretary of the said society. However, those letters were not accepted by the said Gaikwad and they were returned to the complainant with an endorsement that respondent no.3 refused to accept such letters and, therefore, he claimed damages of Rs.20,175/-.

4. Respondents who are opponents in the said complaint appeared and filed their reply version contending that said letters were not addressed in the name of the society. They were personally addressed to respondent no.3 and the address was not of the society. They further submitted that

they have not intentionally refused it. District Consumer Forum has found that complainant has sent the letters in the name of respondent no.3 showing address flat no.102, New Survodaya Co-op.Hsg.Society Ltd., sector 4, Plot no.29-B, Vashi, Navi Mumbai 400 703 and /or in the name of Mr.Palwankar-respondent no.2 being the Chairman of the said society showing address New Survodaya Co-op. Hsg. Society Ltd., Flat no.501/502, sector 4, Plot no.29-B, Vashi, Navi Mumbai 400 703. Forum has found that the address of the society is New Survodaya Co-op. Hsg. Society Ltd., sector 4, Plot no.29-B, Vashi, Navi Mumbai 400 703 and it has been observed that all said addressed letters were sent back since correspondence was not on the authorized address of the society, it was not obligatory upon them to accept it. It has been observed that the correspondence on the personal address of the members cannot be entertained and thus, rejected the complaint. Issues involved in the present matter are issues of the ego of the parties. It is an inter-se dispute between appellant and the respondent and therefore, in order to secure score and vengeance as against Managing Committee, such types of complaints are filed. On the contrary proper correspondence on the proper address could be made by the appellant. For this reason, we do not find it appropriate to observe that there is deficiency in service. District Consumer Forum has rightly decided the complaint. No interference is called for. Hence the order:-

ORDER Appeal stands rejected.

Copies of the order be furnished to the parties.

(Dhanraj Khamatkar)
Judicial Member

(S.R.Khazode)
President Ms.

(S.B.Mhase)

Member