

Ms. Bramaramba and Others Vs. Managing Director, Bombay Dyeing and Manufacturing Ltd. and Another

Ms. Bramaramba and Others Vs. Managing Director, Bombay Dyeing and Manufacturing Ltd. and Another

SooperKanoon Citation : sooperkanoon.com/1114481

Court : Andhra Pradesh State Consumer Disputes Redressal Commission
SCDRC Hyderabad

Decided On : Feb-09-1993

Judge : A. Venkatarami Reddy, President, the Honourable Mr. Pothuri Venkateswara Rao, Member & the Honourable Dr. (Mrs.) J. Ananda Lakshmi, Member

Appeal No. : C.D. Case No. 49 of 1990

Appellant : Ms. Bramaramba and Others

Respondent : Managing Director, Bombay Dyeing and Manufacturing Ltd. and Another

Judgement :

A. Venkatarami Reddy, President:

1. Case under Section 17 of the Consumer Protection Act 1986 praying that in the circumstances stated in the memorandum of grounds filed herein the State Commission will be pleased to hold that the 2nd petitioner is entitled on the 1st Prize of Maruti Van or the value of the first prize i.e., Rs. 1,30,000/- and also the damages of Rs. 20,000/-.

2. This case coming on for hearing upon perusing the memorandum of grounds filed herein, and upon hearing the arguments of Mr. Koka Satyanarayana Rao, Advocate for the petitioners and of Mr. .P. Venugopal, Advocate for the respondents, the Court made the following Order : -

3. The Complainants filed this complaint in the following circumstances. In the 10th All India Industrial Exhibition, Kurnool, the second opposite party i.e. Messrs. Panchajanya Textiles, started a stall in the said exhibition. It also formulated sales promotion scheme. According to the scheme 48 prizes were announced, the first prize being Maruti Van and other consolation prizes. The complainants purchased materials worth Rs. 312/- and they were issued gift coupons bearing No. 13656, 13657 and 13658. On the last date of the exhibition on 29.4.90 at about 10 p.m. draw was conducted. According to the complainants in the first draw itself the second complainants ticket number 13657 was taken out. According to the complainants since the first prize is Maruti van, as the second complainants ticket was taken in the first draw itself, he is entitled to the first prize of Maruti van. As the second opposite party gave only a sari which is a consolation prize the three complainants preferred the above C.D. case in this commission claiming Maruti Van or its value of Rs. 1,30,000/- towards the first prize and a sum of Rs. 20,000/- as damages.

4. In the counters filed by the opposite parties, the first opposite party denied its liability as it has nothing to do with the prize Distribution Scheme framed and executed by the second opposite party. In the counter filed by the second opposite party, it was stated that the mode and methods of drawal of prizes was formulated by the Kurnool Exhibition Society according to which the first fifteen coupons drawn would carry the prize of Bombay Dyeing Haiku Sarees : and the last coupon drawn will carry prize of Maruti Van. According to the second opposite party this scheme was approved by the Committee Members of the Exhibition Society and prizes were drawn according to the method and scheme approved by the Committee of the society. Since the second complainants coupon was drawn first according to the scheme framed, the second complainant was entitled only to Bombay Dyeing Haiku Sarees and the same was offered. But the second complainant refused to accept the same. There is no mention in the prize coupons

that the first prize will be drawn first. In the absence of any such scheme to give the first prize to the coupon drawn first, having regard to the manner and method and the scheme formulated for drawal of prizes by the Committee of the Society there is no unfair trade practice indulged by the second opposite party.

5. We have verified the tickets bearing the signatures of the Committee members to the effect that the drawal of prizes were conducted in accordance with the method and scheme prepared by the members of the committee and the members have also signed the proceedings in the book. According to the said scheme formulated, the second complainant was only entitled to Bombay Dyeing Haiku Saree, for this is the first coupon drawn.

In the circumstances, we are satisfied that the second opposite party did not indulge in any unfair trade practice. The C.D. case is accordingly dismissed. There shall be no order as to costs. So far as the first opposite party is concerned, it has nothing to do with the prizes scheme evolved by the second party. Therefore, the complainants are not entitled to any relief against the first party. Complaint dismissed. No costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com