

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. _____ OF 2009
(D.No.15761 of 2007)

Trupti K. Patel and Anr.

...Appellant(s)

Versus

M/s. Rocklines Constructions and Anr.

...Respondent(s)

O R D E R

Delay condoned.

Heard learned counsel for the parties.

By the impugned order, the National Consumer Disputes Redressal Commission (hereinafter referred to as 'the National Commission') dismissed the original complaints as, in its opinion, the complainants were not "consumer" within the meaning of Section 2(1)(d) of the Consumer Protection Act, 1986 (for short, 'the Act') and Respondent No.1 was not a "service provider" within the meaning of Section 2(1)(o) of the Act. The point raised in this case is concluded by the judgment of this case in Faqir Chand Gulati vs. Uppal Agencies Private Limited and Another [2008 (10) SCC 345] in which this Court dealt with a case similar to that of the appellants and held that complaint is maintainable.

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In view of this, the appeals are allowed, impugned order is set aside and the matter is remitted to the National Commission for disposal of the complaints in accordance with law after giving opportunity of hearing to the parties.

As the complaint petitions were filed in the years 1998 and 1999, the National Commission is requested to dispose of the matter as expeditiously as possible.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

**New Delhi,
January 05, 2009.**