

Certified To be True Copy
19/03/2025
Section Officer
National Consumer Disputes
Redressal Commission
New Delhi-110023

**IN THE NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
AT NEW DELHI**

(Through Hybrid Hearing)

SECOND APPEAL NO. 25 OF 2025

(Against the order dated 23.09.2024 in Appeal No. 1894/2024 of the
State Consumer Disputes Redressal Commission, Karnataka)

With

IA/2558-2559/2025 (Exemption from dim documents, Condonation of delay)

Anil Khemchand Advani & Anr. ... Appellants

Versus

Sunmist Cooperative Housing Society Ltd. ... Respondent

BEFORE:

HON'BLE MR. BINOY KUMAR, PRESIDING MEMBER

HON'BLE MRS. JUSTICE SAROJ YADAV, MEMBER

For the Appellants : Mr. Anshul Gupta, Advocate
Ms. Chaahat Khanna, Advocate

Dated : 11.03.2025

ORDER

Learned Counsel for the Appellant has filed this Second Appeal against the Order of Karnataka State Consumer Disputes Redressal Commission dated 23.09.2024, wherein his Appeal was dismissed on the ground that the Complaint is not maintainable "as there is no relationship between the Appellants and Respondent as a consumer and service provider because the Appellants sought in the prayer before the District Commission itself not maintainable under Consumer Protection Act, 1986 Act".

The learned Counsel submitted that the State Commission has wrongly dismissed the Complaint holding that the Petitioners/ Complainants are not 'Consumer' in relation to the Respondent/ society. He cited the Order of the larger Bench of this Commission in ***Smt. Kalawati and Ors. Vs. M/s United/ Vaish Cooperative Thrift and Credit Society Ltd. dated***



13.03.2001, 2001 SCC online NCDRC 14 wherein it was held that the Member can be a Consumer vis-à-vis the society of which he is a Member and as a Member he has certain rights. Section 93 of the Societies Act does not ~~has~~ ^{bar} the jurisdiction of the District Forum. A Co-operative society under the Societies Act is akin to a company under the Companies Act, 1986 and that a shareholder is a different person than the company of which he is the shareholder. Similarly, a member of the society is different from the society, of which he is a member. He can certainly, if occasion arises, proceed against the society raising a dispute.

He further pointed out that the Order of the State Commission has noted wrongly that the Complaint has been filed under 1986 Act whereas it is 2019 Act.

On perusal of the Record we are of the considered opinion that the matter needs to be heard by the State Commission taking into account the Order of the larger Bench of this Commission in **Smt. Kalawati and Ors. (Supra)** and then deciding the Appeal on merits.

The Order of the State Commission dated 23.09.2024 is accordingly set aside.

Parties to appear before the State Commission on 30.04.2025.

The Second Appeal is accordingly disposed of.



[Handwritten signature]
19/03/2025

NCDRC
PAID

1439

Sd/-

(BINOY KUMAR)
PRESIDING MEMBER

Sd/-

(SAROJ YADAV, J.)
MEMBER