

2023 Scej 345 , 2023 PLRonline 0115 (SC), (2023-3)211 PLR 458 (SC) (SN)

2023 PLRonline 0115 (SC)

SUPREME COURT OF INDIA

Present : Justice J.K. Maheshwari, Justice M.M. Sundresh.

Alpha G184 Owners Association v. Magnum International Trading Company Pvt. Ltd.

CIVIL APPEAL NO. 4718 OF 2022; With Civil Appeal Nos. 329-332 of 2023

(i) Consumer Protection Act, 1986; Section 2(1)(b)(i) - Definition of ‘consumer’ includes ‘consumers’ - Joint complaint by multiple consumers need not be filed in representative capacity - ‘complainant’ under Section 2(b)(i) of the 1986 Act, will include multiple consumers - Section 2(b) of the 1986 Act, under which the present complaints were filed, defines the word “complainant” - It is certainly illustrative in nature requiring a broader, exhaustive and inclusive meaning and interpretation. [Para 7, 16]

(ii) Consumer Protection Act, 1986; Section 13(6) - Civil Procedure Code, 1908; Order 1 Rule 8 - Consumers who have the same interest, seeking the same relief can file a joint complaint without any larger public interest involved - Need not be filed in a representative capacity.

(iii) Consumer Protection Act, 1986; Section 2(1)(b)(i), 12(1)(c) - Civil Procedure Code, 1908; Order 1 Rule 8 - Section 2(1)(b)(i) of the 1986 Act should be interpreted to refer to “consumers.” - Section 2(1)(b)(i) is distinct from Section 2(1)(b)(iv), which applies when multiple consumers share the same interest - Section 12(1)(c) of the 1986 Act should be read with Section 13(6) regarding complaint procedures - Order I Rule 8 of the Code of Civil Procedure, 1908, applies when a complaint falls under Section 12(1)(c) of the 1986 Act - Order I Rule 8 [CPC](#) doesn’t apply when similar complainants jointly seek the same relief without representing others or when there’s no larger public interest involved. Held, In other words, it does not have any application when similarly placed complainants jointly make a complaint seeking the very same relief. In such a case, there is no question of Order I Rule 8 CPC being complied with as they do not represent the others, particularly when there is no larger public interest involved. Such complainants seek reliefs for themselves and nothing beyond. [Para 17]

(iv) Consumer Protection Act, 2019 - Consumer Protection Act, 1986 - Have got a laudable objective. The 2019 Act facilitates the consumers to approach the forums by providing a very flexible procedure. It is meant to encourage

consumerism in the country. Any technical approach in construing the provisions against the consumer would go against the very objective behind the enactment - A pedantic and hyper-technical approach would cause damage to the very concept of consumerism. [Para 15, 23]

Cases referred to: ***National Insurance Co. Ltd. v. Harsolia Motors***, 2023 SCC OnLine SC 409, ***Brigade Enterprises Ltd. v. Anil Kumar Virmani*** (2022) 4 SCC 138, ***Akshay Kumar & Ors. v. Adani Brahma Synergy Pvt. Ltd*** in Consumer Complaint No. 48 of 2021 etc., dated 06.03.2023

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