

Consumer Protection Act, 1986 - S.2(1)(d) - 'commercial purpose' - "business to business" relationship - When a person avails a service for a commercial purpose, to come within the meaning of 'consumer' as defined in the said Act, he will have to establish that the services were availed exclusively for the purposes of earning his livelihood by means of self-employment - There cannot be any straitjacket formula and such a question will have to be decided in the facts of each case, depending upon the evidence placed on record - The relations between the appellant and the respondent is purely "business to business" relationship - As such, the transactions would clearly come within the ambit of 'commercial purpose' - It cannot be said that the services were availed "exclusively for the purposes of earning his livelihood" "by means of self-employment" - If the interpretation as sought to be placed by the appellant is to be accepted, then the 'business to business' disputes would also have to be construed as consumer disputes, thereby defeating the very purpose of providing speedy and simple redressal to consumer disputes.

Held, In the case of *Laxmi Engineering Works v. P.S.G. Industrial Institute*, (1995) 3 SCC 583, the terms "services availed by him", "exclusively for the purpose of earning his livelihood" and "by means of self-employment" will have to be given its meaning, as intended by the legislature. The said terms will have to be construed in context with the purpose for which the said Act is enacted. The amendments incorporated by the 1993 Amendment Act as well as by the 2002 Amendment Act would clearly show that the legislative intent is to keep the commercial transactions out of the purview of the said Act and at the same time, to give benefit of the said Act to a person who enters into such commercial transactions, when he uses such goods or avails such services exclusively for the purposes of earning his livelihood by means of self-employment.

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