

## **WHO IS A CONSUMER**

### **Laxmi Engineering Works v. PSG Industrial Institute**

SC held the following-

1. The explanation added by The Consumer Protection (Amendment) Act 50 of 1993 (replacing Ordinance 24 of 1993) with effect from 18.6.1993 is clarificatory in nature and applies to all pending proceedings.
2. The purpose for which an individual has purchased goods and if it is for commercial purpose or within the meaning of the definition of consumer given in Section 2(d) of the Act is always a question of fact which will have to be decided in the circumstances of every case individually.
3. An individual who purchases goods to use them by himself, and only for the purpose of earning his livelihood, by means of self-employment falls within the scope of definition of consumer under the Act.

### **Bhupendra Jang Bahadur Guna v. Regional Manager and Others 1995**

In *Bhupendra Jang Bahadur Guna v. Regional Manager and Others* (II 1995 CPJ 139), the National Commission held that a tractor purchased primarily to till the land of the purchaser and let out on hire during the idle time to till the lands of others would not amount to commercial use.

### **A Narasamm a v. LIC of India**

*A Narasamma v. LIC of India*. The State Commission held that as the term 'consumer' includes any beneficiary of service other than the person who hires the services for consideration, the widow being the beneficiary of services is a 'consumer' under the Act entitled to be compensated for the loss suffered by her due to negligence of the LIC.

### **Punjab National Bank v. K.B. Shetty**

In *Punjab National Bank v. K.B. Shetty* (First Appeal No. 7 of 1991 decided on 6th August, 1991), ornaments kept in the bank's locker were found lost though the certificate recorded by the custodian of the bank on the day the customer operated the locker stated that all lockers operated during the day have been checked and found properly locked. The National Commission upholding the decision of the State Commission, held the bank guilty of negligence and therefore, liable to make good the loss.