Consumer Protection Act extends upon EPF Services – Supreme Court Decision

Regional PF Commissioner, Faridabad vs. Shiv Kumar Joshi [LLR 641 Supreme Court]

The Regional Provident Fund Commissioner, under the Act and the scheme discharges statutory functions for running the scheme. It has not, in any way, been delegated with the sovereign powers of the State to hold it as a Central Government, being not the authority rendering the 'service' under the Act. The Commissioner is a separate and distinct entity, it cannot legally claim that the facilities provided by the 'scheme' were not "service" or that the benefits under the scheme being provided were free of charge. The definition of "consumer" under the Act includes not only the person who hires the 'services' for consideration but also the beneficiary, for whose benefit such services are hired. The Act gives comprehensive definition of 'consumer' who is the principal beneficiary of the legislation but at the same time in view of the comprehensive definition of the term "consumer" even a member of the family of such 'consumer' was held to be having the status of 'consumer'.

The Supreme Court has held that the Consumer Protection Act will extend to the service rendered by the Authorities under the Employees Provident Funds & Miscellaneous Provisions Act.

Even if it is held that administrative charges are paid by the Central Government and no pad of it is paid by the employee, the services of the Provident Fund Commissioner in running the scheme shall be deemed to hsve been availed of for consideration by the Central Government for the benefit of employees who wouid be treated as beneficiary within the meaning of that word used in the definition of consumer. This Court in M/s.Sprinq Meadown Hospital & Anr. vs. Harjol Ahluwalia through K.S. Ahluwalia & Anr. [JT 1998 (2) SC 620, to which one of us (Saghir Ahmad.J) was a party has already held that the "consumer" means a person who hires or avails of any services and includes any beneficiary of such service other than the