

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 17802 of 2017

(@ Special Leave to Appeal (C) No(s). 17679/2017)

ANUPAMA COLLEGE OF ENGINEERING

Appellant(s)

VERSUS

GULSHAN KUMAR & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 17803 of 2017

(@ Special Leave to Appeal (C) No(s). 17832/2017)

O R D E R

Leave granted.

The only question raised in this case is whether a college is a service provider for the purposes of the Consumer Protection Act, 1986.

Learned counsel for the appellant has placed the decision of this Court in *Maharshi Dayanand University v. Surjeet Kaur* [(2010) 11 SCC 159]. The aforesaid decision was followed by this Court in SLP (C) No. 22532/2012 titled as *P.T. Koshy & Anr. v. Ellen Charitable Trust & Ors.* The order reads as follows:

"In view of the judgment of this Court in *Maharshi Dayanand University v. Surjeet Kaur* [(2010) 11 SCC 159] wherein this Court placing reliance on all earlier judgments has categorically held that education is not a commodity. Educational institutions are not providing any kind of service, therefore, in matter of admission, fees etc., there cannot be a question of deficiency of service. Such matters cannot be entertained by the

Consumer Forum under the Consumer Protection Act, 1986.

In view of the above, we are not inclined to entertain the special leave petition. Thus, the special leave petition is dismissed."

In view of the consistent opinion expressed by this Court, the orders passed by the National Consumer Disputes Redressal Commission in Revision Petition No. 3571/2013 and Revision Petition No. 807/2017 are not in accordance with the decision of this Court and are therefore set aside.

The civil appeals are allowed.

.....J.  
[MADAN B. LOKUR]

.....J.  
[DEEPAK GUPTA]

NEW DELHI;  
OCTOBER 30, 2017.

ITEM NO.53

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 17679/2017

(Arising out of impugned final judgment and order dated 09-05-2017  
in RP No. 3571/2013 passed by the National Consumer Disputes  
Redressal Commission, New Delhi)

ANUPAMA COLLEGE OF ENGINEERING

Petitioner(s)

VERSUS

GULSHAN KUMAR & ORS.

Respondent(s)

WITH

SLP(C) No. 17832/2017 (XVII)

Date : 30-10-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. Abhijat P. Medh, Adv.

For Respondent(s)

UPON perusing papers the Court made the following

O R D E R

Leave granted.

The civil appeals are allowed in terms of the signed order.

(MEENAKSHI KOHLI)  
COURT MASTER

(KAILASH CHANDER)  
COURT MASTER

[Signed order is placed on the file]