(2012) 09 NCDRC CK 0084

In the National Consumer Disputes Redressal Commission

Ajit Kumar Narendra APPELLANT

Vs

MANAGING DIRECTOR RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : 2012 0 NCDRC 524

Hon'ble Judges : J.M.Malik , Vinay Kumar J.

Advocate : S.S.Jangra , S.K.Pattnaik

Judgement

1. THE key question, which falls for consideration is, "whether the complainant/ petitioner had paid the loan to Puri Co-operative Agricultural and Rural Development Bank Ltd., Puri ". THE National Commission, vide its order, dated 12.09.2005 directed the O.P., the Managing Director, M/s Sagar Motors Pvt. Ltd. , Madhupatna, Distt. Cuttack to pay Rs. 2,00,000/- to the complainant/petitioner Sh. Ajit Kumar Narendra with interest @12% w.e.f. 01.11.1996 within a period of 6 weeks. THE National Commission further directed O.P. - 2 to pay cost of Rs. 5,000/-. THE complainant was also directed to give all the documents alongwith power of attorney to OP-2 to enable it to dispose the vehicle in whatever manner it likes.

2. IN order to comply with the order passed by this Commission, the complainant, decree holder submitted the original R.C. book, the original power of attorney and form No. 29 and 30 regarding transfer of ownership duly signed by the complainant. The main objection raised by the judgment debtor was that since the appellant had not paid the loan and as such the OPs did not comply with the directions given by this Commission. The District Forum accepted the contention of the complainant that they have paid the loan but the State Commission denied it as such the present revision petition has been filed.

The counsel for the petitioner vehemently argued that as the respondent failed to give the information, therefore, the complainant had sought the same under RTI Act and Assistant Registrar, Cooperative Societies, Puri Circle. He produced the copies of the same which mentioned that the loan stood paid. It was further mentioned that the complainant availed loan of Rs. 2,00,000/- on 08.09.1995 and the principal alongwith interest as on 29.02.2008 was calculated as Rs. 4,00,000/-. The entire amount was waived by the Govt. of Orissa on account of introduction of debt relief scheme of 2008. The State Commission came to the conclusion that decree holder had not cleared the loan amount which is evident from the letter dated 23.02.2010. It was held that since he has not yet cleared his loan amount, therefore, he cannot be provided with No Due Certificate from the CARD Bank, Puri.

3. WE have perused the letter dated 23.02.2010 issued by the Secretary Puri CARD Bank. Its para No. 5 is reproduced as follows:- "v. That his loan account is stated to be waived is not true as such waiver has been nullified as later it is detected that Trekker being NFS SRTO purpose and not eligible purpose for waiver. "

It is thus apparent that RTI record is pitted against the letter written by the Secretary, The Puri Co-operative Agricultural and Rural Development Bank Ltd., Puri. It appears that there was some mistake in the record issued by RTI. Subsequently, it stands corrected vide letter dated 23.02.2010.

4. WE, therefore, find no force in this revision petition and dismiss the same. However, liberty is given to the petitioner to approach the Bank and get the fresh No Dues Certificate from the Bank. The certificate should be clear. It should mention if the petitioner is a beneficiary of scheme floated by the Government or how much amount is left that should be produced before the Execution Court, which on filing the same shall re-consider the case of the decree holder. The District Forum will be at the liberty to make enquiries from the above said Bank and enquire the matter properly. The revision petition stands disposed of.