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(1992) 10 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

AMBIKA COLD STORAGE (P) LTD. APPELLANT

Vs

STATE BANK OF INDIA RESPONDENT

Date of Decision : 12-10-1992

Acts Referred:

Citation : 1992 0 NCDRC 47 : 1992 2 CPR 719 : 1992 3 CPJ 61 : 1993 0 CPC 11 : 1994 1 CLT 378

Hon'ble Judges : V.BALAKRISHNA ERADI , A.S.VIJAYAKAR , Y.KRISHAN , B.S.YADAV J.

Advocate : B.V.BALARAM DAS , S.S.SHARMA

Judgement

1. NOTWITHSTANDING the highly persuasive arguments advanced before us by Shri B.V. Balramdas, learned Advocate who appeared on behalf of the complainant, we are not satisfied that any relief can be granted to the complainant in this case by the Consumer Redressal Forum. The grievance of the complainant is that he has not been granted the facility of advance of loan requested for by him from the State Bank of India and that as a result of it, his industrial and commercial ventures suffered severe losses. The Bank has filed a detailed counter from which it is seen that the reasons for not allowing further advances to the complainant were that large amounts were already outstanding against him in the accounts, that the Chartered Accountants of the Complainant had themselves made adverse remarks against the complainant in regard to their maintenance of stock registers etc., that necessary financial discipline was not being observed by the complainant and that funds which had already been advanced for the purpose of business had been wrongfully diverted for other purposes. It is against all this background that the bank had formed the opinion that it would not be safe in the public interest to make further advances to the party. It is legally open to the banking company concerned to take a decision in good faith in the exercise of its bonafide discretion as to whether it is safe to make advances of public funds to any particular party and arrive at a decision after examining the relevant facts and circumstances. It cannot be said that when after due consideration of relevant factors the Bank in its discretion decides

not to grant further advances there has been any deficiency in service on the part of the Bank. That is precisely the position that obtains in the present case. Since no deficiency is made out it is not possible to grant any relief to the complainant under the Consumer Protection Act. The complainant has to pursue his remedy before the Civil Court. Without prejudice to that being done, this Complaint Petition is dismissed. No costs.

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