
(2003) 09 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

ANJANA KUNDU

APPELLANT

Vs

BANK OF BARODA

RESPONDENT

Date of Decision : 05-09-2003

Acts Referred:

Citation : 2003 0 NCDRC 33 : 2007 4 CPJ 124

Hon'ble Judges : D.P.WADHWA , B.K.TAIMNI , K.S.GUPTA J.

Advocate : ARUN AGGARWAL

Judgement

1. IT is the complainant who is the petitioner before us. She lost her case for damages against the respondent bank both in the District Forum and on Appeal filed by her in the State Commission.

2. A cheque issued by the complainant was dis-honoured and it is stated that the complainant was duly informed. However, it was the mistake of the Bank that it did not make any debit entry in the account of the complainant. After a gap of almost 6 years, Bank realised its mistake and reversed the entry. The amount of the cheque was Rs.11,000/-. The Bank made a debit entry now in the account of the complainant for Rs.15,880/-. Out of which Rs.4,880/- was added as interest for the period from 15.12.1989 to 2.11.1995. Burden is being placed on the complainant that she should have noticed that debit entry was not made in her account by mistake. We do not think that the blame should be squarely laid on the complainant and why not on the official of the Bank. In circumstances we are of the view that charging of interest was not valid. We, therefore, allow the complaint and we direct that amount of Rs.4,880/- be credited to the account of the complainant/petitioner with interest @ 5% per annum from 2.11.1995 when the amount was debited to the account of the complainant. To the extent of above, we allow the petition with cost which we assess at Rs.2,500/-.