(2002) 02 NCDRC CK 0056

In the National Consumer Disputes Redressal Commission

ARYAN AGRO SPICE (P) LTD. APPELLANT

Vs

Saraswat Co-op. Bank Ltd. RESPONDENT

Date of Decision : 08-02-2002

Acts Referred:

Citation : 2002 1 CPC 646 : 2002 1 CPR 209 : 2002 3 CPJ 41

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Complaint dismissed

Judgement

1. IN this complaint filed under Section 21 of the Consumer Protection Act, 1986, complainant has claimed damages amounting to Rs. 80.00 lakhs for alleged deficiency in service on the part of the opposite parties-Bank.

2. ON notice being issued, Bank has filed its written version. It has stated that the Bank, being a Co-operative Bank has filed its claim before the Assistant Registrar, Co-operative Societies for recovery of Rs. 4.00 lakhs from the complainant. However, it is contended by Mr. Rao, Director of the complainant that the claim in this case is different and unconnected with this complaint. That may be so, but considering the issues in the present case which are of complex nature we would not like to deal with this complaint since the issues cannot be dealt in summary manner. Complaint pertains to proceeds of the export business of the complainant. Complainant exported fruits, chilly, pickles and other items to Dubai. Complaint is that the Bank did not realize the export proceeds, thus making the complainant to suffer losses. It was submitted by the Bank that though packing credit limit was sanctioned to the complainant, for reasons best known to the complaint it did not utilise that limit for exporting the goods to Dubai. This packing limit was for exporting goods to M/s. Mipco Ltd., Dubai but the complainant exported the goods to M/s. Das Foodstuffs Trading, Dubai other than under the letter of credit and without any intimation to the Bank. Bills were raised by the complainant in the name of M/s. Das Foodstuffs Trading which were sent by the complainant for collection and were returned being dishonoured. There are other submissions made in the pleadings which are not necessary to

refer. But what is stated above, it is enough to show that the complaint cannot be decided in the summary jurisdiction of a Consumer Forum. Supreme Court in recent judgment in the case of Synco Industries v. State Bank of Bikaner and Jaipur & Ors., has stated that such type of cases should not be dealt with by the Forum under the Consumer Protection Act, in a summary fashion. Accordingly this complaint is dismissed. However, it shall be without prejudice to the rights of the complainant to seek remedy before appropriate Forum. Complaint dismissed.