

**(2004) 09 NCDRC CK 0002**

**In the National Consumer Disputes Redressal Commission**

A.S.ARUNACHALAM

APPELLANT

Vs

CHIEF MANAGER, STATE BANK OF INDIA

RESPONDENT

---

**Date of Decision :** 08-09-2004

**Acts Referred:**

**Citation :** 2004 0 NCDRC 24 : 2004 2 CPC 563 : 2004 4 CPJ 61

**Hon'ble Judges :** M.B.SHAH , RAJYALAKSHMI RAO J.

**Advocate :** R.K.DIKSHIT

---

**Judgement**

1. THE revision petitioner in this case is the original complainant in complaint No. O.P. No. 64/2002 in District Forum, Tirunelveli, wherein his complaint was allowed. Appeal Nos. 367 and 387 of 2003 by both the parties were decided by the State Commission, Tamil Nadu at Chennai, by a common order dated 20.2.2004. Aggrieved by the order of dismissal of his appeal, the complainant Shri Arunachalam is here, in Revision petition. The facts of this case are quite simple.

2. THE revision petitioner, A.S.Arunachalam, aged 66, hired a safe deposit locker No. A-31 in the Bank of India (respondent) in 1966 and has been paying the Annual rent regularly and in time. It is admitted that the locker itself was used infrequently. He went to the Bank for operation of the locker on 6.6.2001 at 12.55 p.m. He made an entry in the Locker Access Register and along with a Bank Official went towards the Locker, when he realised that on the door of the Locker, there was a sticker with a declaration "A-31 deceased". Upset and shocked with this, the complainant did not want to operate the Locker on that day, made an entry to that effect again in the Locker Access Register and demanded from the Bank to know how exactly the sticker announcing his death was placed on the Locker door. The petitioner appeared in person and argued his case. He has expressed his doubts about the safety of the Locker, and, because of the said sticker, he felt that others might have had access to his Locker, or could access the Locker. As there was no satisfactory explanation, he insisted on seeing the entries in the Locker Access Register. This was rejected by the Bank

on the ground that the Locker Access Register is a confidential document.

3. IT is this indifference and apathy of the Bank that made him to file a complaint in the District Forum which was decided in his favour by holding that there was deficiency in service on the part of the Bank. The District Forum awarded a compensation of Rs. 25,000/- and costs of Us. 2,000/-. In appeal by the Bank, the State Commission while sympathising with the complainant and holding that the Bank has caused pain and agony to him, however, held that since he was forced to access the Locker any time, and since there is no evidence tampering with the Locker, there was no deficiency in service and set aside the order of the District Forum. The complainant has come in revision here.

4. WE have carefully gone through the record and heard arguments by both the parties. The revision petitioner is obviously a consumer as he paid for the service of being provided with a Safe Locker. There are two aspects relating to the use of a Safe Locker in a Bank. Firstly, it is the Bank's responsibility to look after the safety of the Locker. It is required to guard it very carefully and prevent entry of unauthorised persons into the Locker Room so as not to give occasion to tamper with the Lockers. The other aspect is that they should provide a hassle-free access to the holder of the Locker to operate the same. Obviously somebody other than the revision petitioner stuck that note saying "A-31 deceased". If it is done by a Bank employee, either mischievously or inadvertently, it is for the Bank to clearly and properly explain the circumstances especially when the Bank is such a renowned organisation as the State Bank of India. The Bank has made no effort whatsoever in explaining at any stage as to how this sticker got pasted on the Locker. To our mind, it does not appear to be an inadvertent mistake clearly saying "A-31 deceased" and pasting it on A-31 Locker, clearly shows that it is a mischief. This sticker certainly created mental shock and agony to the complainant and thus could be said to have created hindrance in the process of accessing the Locker. To that extent it is certainly a deficiency in service. Perhaps the gravity of this could have been reduced had the Bank satisfactorily explained after a proper in-house inquiry as to how this has happened. If any one of the other Locker holders actually died, the Bank should have mentioned so to the complainant. There is no need for secrecy about this.

5. THE second request made by the complainant is to see the Locker Access Register of the Bank. It appears that the Locker Access Register is different from the Locker Register, the latter being the mam register. As explained, the Locker Access Register is a subsidiary register, which is used when a locker holder want to access his Locker. The only entries there in are the Locker number and signature of the Bank Official. The Bank Official signs after verifying the signature of the holder by comparing it with the signature in the main register.

6. IT is on record that the Revision petitioner had not operated the Locker after 5.5.1998 till he visited the Bank on 6.6.2001 i.e., for a period of 3 years though every year he visited the Bank to pay the locker charged. Even on 6.6.2001 because of the circumstances narrated above, he did not operate the Locker. So,

there is every justification for him to find out as to whether anyone else has operated the locker during 3-year period, especially when the sticker on the locker says that he is dead. Obviously, his purpose in requesting to see the Locker Access Register is; (a) to find out whether the Locker was operated by anyone else during that period; and (b) to find out how the Bank came to believe that he is dead. We think that the revision petitioner was perfectly justified in asking to look at the Locker Access Register which we do not think is a secret document as pleaded by the Bank. At the most they could have allowed access to him to the Register in the Bank premises or in the presence of a Bank official.

7. IN the circumstances of the case, we set aside the order of the State Commission. We direct the respondents to permit the Revision petitioner to see the Locker Access Register. In the alternative, they may provide him an extract of entries of the said register for the period 5.5.1998 to 6.6.2001 as relates to Locker A-31 and the locker be opened in the presence of complainant and one independent person. Thus the revision petition is allowed with the above directions. The respondents to pay Rs. 5,000/- as costs.