
(1994) 03 NCDRC CK 0014

In the National Consumer Disputes Redressal Commission

ASSTT. G.M. CANARA BANK

APPELLANT

Vs

MAHESH KUMAR

RESPONDENT

Date of Decision : 21-03-1994

Acts Referred:

Citation : 1994 2 CPC 24 : 1994 2 CPJ 407 : 1994 2 CPR 27

Hon'ble Judges : B.N.Sinha , K.P.Sinha , Kalpana Ashok J.

Final Decision : Appeal allowed

Judgement

1. THIS appeal is directed against the order dated 24th June, 1992 passed by the District Forum, Begusarai in Complaint Case No. 24 of 1991 filed by the respondent here who was the complainant against the appellant who was the Opp. Party before the District Forum.

2. THE case of the complainant may be briefly stated. A firm known as M/s. Megotia Brothers, Refinery Township, Begusarai has its accounts with the Opp. Party - Canara Bank, Begusarai and the bank has been issuing pay orders, and charging more than Rs.25/- as bank commission as its service charge for the same. THE complainant approached the local head office of the Bank on 16.4.91 complaining in writing and was informed by the bank in reply thereof that the bank was charging so as the pay order was being obtained for commercial purpose. THE grievances of the complainant is that according to the direction of the Reserve Bank of India all the Nationalised Banks in the country are charging Rs. 25/- as commission for issuing pay order for any amount whatsoever and the Canara Bank at Begusarai was charging excessive and higher rate arbitrarily and thus contravening the directions of the Reserve Bank of India. THE complainant claimed refund of the excess amount of the Commission realised by the bank and also claimed damages of Rs. 1000/-as compensation. On being noticed the Opp. Party appeared and filed counter version. It was averred on behalf of the bank that due to certain local special circumstances it is necessary for the bank to realise more commission and that the bank has right to regulate the amount of commission and the Reserve Bank of India has only fixed the minimum charge

and has not prescribed or put any restriction on the maximum charge and it has been left to the discretion of Individual Bank to selectively levy higher charges on its services, if special circumstances so warrant.

The District Forum after hearing both the parties accepted the case of the complainant and directed the Opp. Party to refund all the amount of commission realised and also ordered for Rs. 200/- as costs. Against this order the present appeal has been filed.

3. AT the very outset it may be mentioned that the order passed by the District Forum is not sustainable. It is apparent from the copy of the minutes of the meeting of the Committee of Public Sector Banks on service charges held on 11th May, 1990 annexed to the memo of appeal that it has laid down the minimum service charge and left it to the discretion of the Individual Banks to selectively levy higher charges on its service, if special circumstances so warrant on purchases of D.Os./Pay Orders. A copy of this minutes was also produced before the District Forum. But it appears that the District Forum missed this point. There is nothing on the record to indicate that the rate of service charges has been fixed by any law. Under the circumstances if the complainant has any grievance against this act of the Opp. Party they can complain to the authorities of the Bank in higher echelons and to the Reserve Bank of India which according to the complainant has laid down this rate of service charge. But such complaint is not maintainable under the Act. Moreover, the complaint was filed by Sri Mahesh Kumar who has given his address in the complaint petition as C/o Megotia Brothers. But it does not appear from the complaint petition as to how he was associated with Megotia Brothers and in what capacity he filed the complaint on behalf of the firm Megotia Brothers. He personally has no locus standi to file the complaint. For these reasons the complaint petition is not maintainable.

4. IN the result the appeal is allowed and the impugned order is hereby set aside. The respondent is directed to pay Rs. 450/- (Rupees four hundred and fifty) only as cost to the appellant. Appeal allowed with costs.