
(2003) 08 NCDRC CK 0070

In the National Consumer Disputes Redressal Commission

BOBCARD LTD.

APPELLANT

Vs

SURJIT SINGH SOOD

RESPONDENT

Date of Decision : 29-08-2003

Acts Referred:

Citation : 2003 4 CPJ 135 : 2004 1 CPC 424 : 2004 1 CPR 50

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

Final Decision : Misc. Petition dismissed

Judgement

1. PETITIONER was the complainant before the District Forum where he had filed a complaint alleging deficiency in service on the part of the respondent, BOBCARD Ltd., who after hearing the parties allowed the complaint. An appeal filed before the State Commission was dismissed. On a revision petition filed before us by the petitioner/complainant, after hearing the parties following order was passed on 7.8.2002. "We have heard the parties. The only question is of injury of reputation of the card holder if his card is unjustifiably cancelled. Mr. Lal, learned Counsel for the petitioner, states that the card was firstly not honoured on 4.12.1998 when the outstanding amount was only Rs. 15,000/-. Thereafter, by January, 1999 outstanding amount got raised to Rs. 89,000/- when the card was ultimately cancelled. However, the respondent appearing in person states that there should have been an expression of regret by the Bank because he has been a customer without any default in the past 10 to 15 years of the Bank as such expression of regret could have lessened his hardship caused by the respondent Bank. Mr. Lal offers regret on behalf of his client. In that view of the matter and observing the fact that no details of the compensation awarded towards damages have been mentioned in the impugned order, penalty on the card holder at the same time the Bank could have been careful in not honouring or cancelling the card without any justification. Since they have used the cheque, which was duly sent to them by the respondent, we do not disturb award of costs of the State Commission. We are also of the view that the Bank should pay the cost to the respondent for travelling from Chandigarh to Delhi which we assess at Rs. 2,500/-. Revision is disposed of as above."

2. ON an application filed by the respondent for clarification following order was passed by this Commission on 23.10.2002. "Due to an oversight, in our final order we did not mention that award of Rs. 1 lakh towards compensation was not upheld by us but what was upheld was only costs. We clarify that except the costs, the rest of the order of the State Commission has not been sustained by us and has been set aside. Miscellaneous Petition is disposed of."

A miscellaneous petition has been filed by the petitioner/complainant. We heard him. The only grievance is that the clarificatory order was passed without issuing notice/or hearing him. We heard him on this point. After perusal of material on record and hearing the complainant, we see no ground to interfere/modify the clarificatory order passed on 23.10.2002. It was never the intention of this Commission to sustain reliefs other than cost, especially when the respondent expressed regrets, as desired by the complainant. In our view the order on the point was clear. Since a clarification was sought, we had no hesitation in putting the matter straight and spelling out more clearly what was implied in the order. We see no merit in this miscellaneous petition, which is dismissed. Misc. Petition dismissed.