(2000) 05 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

Branch Manager, State Bank of India — APPELLANT

Vs

K.J.JOSEPH — RESPONDENT

Date of Decision : 27-05-2000

Acts Referred:

Citation : 2000 1 CPC 657 : 2000 2 CPR 657 : 2000 3 CPJ 138

Hon'ble Judges : N.S.Singh , R.K.Bawri , P.Syiems J.

Final Decision : Appeal dismissed

Judgement

1. HEARD Mr. S.R. Sen, learned Senior Counsel assisted by Mrs. P.D.B. Baruah, learned Counsel for the appellants. None appears for the respondent.

2. THE judgment and order dated 24.7.1997 passed by the District Consumer (Protection) Forum, West Garo Hills, Tura in C.P. Case No. 5 of 1995 is the subject-matter under challenge in this appeal. According to the appellants-Bank, i.e. S.B.I., the respondent is the holder of a Public Provident Fund Scheme Account of the State Bank of India, Tura Branch being Account No. PPF/SBI/95 as an agent of the scheme and the amount deposited by the depositor is credited to the Government Account and duration of the scheme is 15 years and under that scheme the depositor is eligible to draw the deposited amount after completion of 15 years together with principal and interest accrued thereon as per the provision of this scheme and, as such, the depositor do not loose any financial benefit under the scheme and related financial year of the scheme is from 1st April to 31st March of the year and an annual interest @ 12% is given to the depositor on the lowest balance amount reflected in the account between the close of the 5th day and end of the month. According to Mr. Sen, learned Senior Counsel, the respondent deposited certain amount to the said account and through oversight and inadvertently on 31.3.1995 less interest was credited to the said account of the respondent which was due to the heavy pressure of work in the Branch on account of Bank closing and financial closing of the Government Account and the said mistake was rectified lateron, i.e. on 26.4.1995 by crediting the less interest amount of Rs. 931/- to the account of the respondent with the

remark that "Interest for 1994-1995 less amount paid in interest now adjusted". It is also argued by Mr. Sen that the respondent was not looser at all under that financial scheme and the rectification so far done shown by the Bank was duly communicated to the respondent at the relevant time and for such delay of 24 days, the interest has been paid to the respondent. However, the learned District Forum awarded the compensation of Rs. 1,000/- for causing harassment to the respondent and an amount of Rs. 500/- as cost of litigation without any justification. It is also contended by the learned Counsel that a great miscarriage of justice has been done insamuch as the learned District Forum wrongly opined that considerable mental harassment was done to the respondent who is one of the Account Holders under the said scheme. THE District Forum ought to have appreciated the bona fide mistake and inadvertence on the part of the officers of the appellant-Bank but it was not done so, Mr. Sen argued. Now this Court is to see and examine as to whether the award so far made by the District Forum under the impugned judgment and order of 24.7.1997 suffers from illegality or infirmity or incorrectness or not.

It is not disputed that the aforementioned mistake was duly rectified by the appellant-Bank after the mistake was pointed out by the respondent. In our considered view, had the respondent not pointed out at the right time, the appellant-Bank ought to have taken more time in order to rectify the same and, apart from it, the appellant-Bank might have not done it also. Considering this aspect, the learned District Forum opined thus : "...The State Bank of India is a premier financial institution in the country. An account holder normally believes that his financial interests are well-protected in any branch of the State Bank of India. Therefore, the State Bank of India has to exercise abundant caution in providing quality service to its trustees. In the instant case there is definitely an impairment in the quality of service rendered to the consumer-petitioner. In view of this the Forum rules that the State Bank of India shall pay an amount of Rs. 1,000.00 as compensation for causing harassment to the petitioner; and an amount of Rs. 500.00 as cost of litigation. We feel the above compensation will meet the ends of justice."

We have also perused the grounds so far taken by the appellants in the memo of appeal.

3. UPON hearing the learned Counsels for the appellants and also on perusal of the available materials on record, we are of the view that it is the lawful duties of the appellants-Bank to protect the interest of the consumers and to afford the best service to the consumers and the State Bank of India is a premier Bank of the nation and the said mistake of the appellants-Bank certainly caused inconvenience to the respondent for which the respondent is entitled to a reasonable compensation and, accordingly, the learned District Forum had awarded an amount of Rs. 1,000/- as compensation and cost of litigation as Rs. 500/- which according to us, is a reasoned award. We are also of the view that there is material on record for establishing the factum of deficiency of service

caused by the appellants-Bank and we hope that such deficiency should not be repeated in other cases. For the reasons, observations and discussions made above, the appellants-Bank could not make out a case to justify the interference with the impugned judgment and order of the learned District Forum and, accordingly, the appeal is dismissed thus, affirming the judgment and order passed by the learned District Forum, Tura on 24th July, 1997 in C.P. Case No. 5 of 1995. The office is directed to communicate a copy of this judgment to the parties concerned as early as possible. Appeal dismissed.