
(2004) 12 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

BY-PRODUCT CO OP. CREDIT SOCIETY LTD.

APPELLANT

Vs

Kulamani Nayak

RESPONDENT

Date of Decision : 30-12-2004

Acts Referred:

Citation : 2006 1 CPJ 342

Hon'ble Judges : R.K.Patra , Subash Mahtab J.

Final Decision : Appeal dismissed

Judgement

1. HEARD Mr. Pattnaik in the matter of appeal. None appears for the respondent.
2. THIS appeal is directed against the order dated 22.9.1997 passed by the District Consumer Disputes Redressal Forum, Sundergarh-II at Rourkela in C.D. Case No. 36 of 1997 directing the appellant to refund the fixed deposit amount of the respondent together with interest at the rate of 12 per cent per annum. The grievance of the respondent was that while working at By-product (Mechanical Department) of the Rourkela Steel Plant, he became member of the Co-operative Society and made two deposits of Rs. 500 on 13.10.1982 and Rs. 5,500 on 25.3.1986. The appellant paid interest on the above two deposits in 1992 but thereafter no payment was made.

The allegation of the respondent was that, the appellant has neither paid the accumulated proceeds of the two fixed deposits nor it has intimated the respondent, the reason for non-payment of such interest and proceeds. Therefore, he filed the case for realisation of the above two deposits with interest.

3. THE stand of the appellant was that due to misappropriation of the deposits of the member by the ex-secretary and cashier of the society, a dispute case has been filed before the co-operative society and because of this no payment has been made. It is not disputed that the respondent has deposited the aforesaid amount. In the circumstances as per law he is entitled to interest thereon. Misappropriation of deposits might not be the reason for non-payment of interests to the respondent. But for that he cannot be held responsible. It is clear

case of deficiency in service on the part of the appellant. In the circumstances, the District Forum's order cannot be faulted with. The order of the District Forum shall be complied by the appellant within one month from the date of receipt of this order. If any amount is lying in deposit in this Commission, the appellant is at liberty to withdraw the same.

4. IN the result, the appeal is dismissed being devoid of any merit. No costs. The result of this appeal may be communicated to the respondent because he was found absent today when the matter was heard. Appeal dismissed