(2002) 12 NCDRC CK 0109

In the National Consumer Disputes Redressal Commission

CENTRAL BANK OF INDIA — APPELLANT

Vs

BYU HAZARIKA — RESPONDENT

Date of Decision : 05-12-2002

Acts Referred:

Citation : 2003 1 CPJ 178 : 2003 1 CPR 340 : 2003 2 CLT 563

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

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision petition arises out of the order of the State Consumer Disputes Redressal Commission, Assam, whereby the State Commission upheld the order of the District Forum.

2. THE facts in brief which led the complainant to approach the District Forum are as follows : The complainant is an account holder Home Savings Safe Account, of the opposite party, Central Bank of India. According to him, he had to his credit a sum of Rs. 1,17,340.55, whereas on an enquiry, he was informed by the Bank that a sum of Rs. 985.55 was only lying to his credit in his account. It is alleged that on his bringing this fact to the notice of the opposite party No. 1, the Branch Manager, he was assured in writing that the difference in the amount would be credited to his account by 6th September, 1997. It is also alleged that on his presenting a cheque for Rs. 1,17,000/-, it was dishonoured for want of sufficient funds and finding no alternative he had to file an FIR with the police, Dibrugarh Police Station. It is also the case of the complainant that the opposite party No. 1, without his instructions, had issued cheque book in his name to one of its employees who had been caught red-handed when he was trying to withdraw Rs. 7,000/- by forging his signatures. In view of the above, he had filed a complaint before the District Forum claiming, (a) payment of Rs. 1,16,355.00; (b) award of interest at the rate of 18% p.a. on that amount; (c) compensation as the learned Forum deemed fit; and (d) all costs of the litigation. The District Forum upon hearing the parties, adverting to the evidence led by them held that due to negligence and incompetency of the opposite party-Bank,

the complainant had suffered pecuniary loss and the action on the part of the Bank amounts to deficiency in service and hence the complainant was entitled to the reliefs sought by him. In view of the above findings the District Forum directed the opposite party to refund Rs. 1,16,355/- which amount was fraudulently withdrawn by the staff of the Bank, along with interest at the rate of 10% p.a. from 28.10.1997 till the date of realisation. The District Forum also awarded Rs. 5,000/- for compensation, mental agony and harassment and Rs. 1,000/- for the costs of litigation.

Feeling aggrieved by the order of the District Forum the opposite party approached the State Commission which by its order upheld the order of the District Forum and dismissed the appeal. Now the opposite party Central Bank of India, is petitioner before us.

3. WE have heard Mr. Vijay Gupta, learned Counsel for the petitioner. WE have also gone through the detailed order of the District Forum which was subsequently upheld by the State Commission. From a bare perusal of the order of the District Forum it is clear that the complainant had been subjected to a lot of inconvenience due to the fraudulent and negligent acts of the staff of the Bank. The Bank should have acted with care when the complainant had brought to the notice of officials of the Bank that the amount that was lying to his credit was less than what it ought to have been. The District Forum after having thoroughly gone into the evidence led by the parties and after hearing the arguments and came to the right conclusion, as stated above. The State Commission committed no error in concurring with the decision of the District Forum. Therefore, keeping in view the concurrent findings reached by both the Foras below, we do not find it a fit case for us to interfere in exercise of our revisional jurisdiction under Section 21(b) of the Consumer Protection Act, 1986 and dismiss the same. Revision Petition dismissed.

