(1996) 01 NCDRC CK 0062

In the National Consumer Disputes Redressal Commission

CENTRAL BANK OF INDIA — APPELLANT

Vs

RAJ PAL ADVOCATE — RESPONDENT

Date of Decision : 03-01-1996

Acts Referred:

Citation : 1996 2 CLT 516 : 1996 2 CPJ 147

Hon'ble Judges : M.R.Agnihotri , S.Kulwant Singh , Sushil Paul J.

Final Decision : Appeal dismissed

Judgement

1. CENTRAL Bank of India has come up in appeal against the order dated 24th of November, 1995 passed by the learned District Forum, Panipat, whereby Unit Trust of India as well as CENTRAL Bank of India have been held responsible for the refund of the amount of Rs. 10,000/- deposited by the complainant with interest @ 18% per annum.

2. UNIT Trust of India floated a scheme for allotment of units under UTI-Mastergain-92 by 31st of July, 1992. Complainant Raj Pal submitted his application on 18th of May, 1992 and deposited a sum of Rs. 10,000/- with the Central Bank of India, G.T. Road, Panipat. Somehow when the complainant did not receive the requisite units, he made the enquiries and was informed on 22nd of September, 1994 that his application was not traceable in their record. Aggrieved against this, the complainant approached the District Forum, Panipat for the refund of the amount deposited by him alongwith interest. In reply filed by the appellant-Bank the deposit of the amount on 18th of May, 1992 was admitted, but the complaint was sought to be opposed on the ground that the application was not submitted alongwith the amount and therefore, the Bank was not responsible for the non/- receipt of units by the complainant. The other respondents pleaded ignorance about the particulars regarding the payment made and the application submitted by the complainant. After considering the evidence produced by the parties, learned District Forum came to the conclusion that there was a deficiency in service on the part of the Bank in not forwarding the application alongwith the amount deposited by the complainant. On that

basis, the complaint has been allowed and the respondents have been held jointly and severally liable to refund the amount of Rs. 10,000/- alongwith interest @ 18% per annum from 18th of May, 1992, the date the payment was made by the complainant. A sum of Rs. 2,000/- has also been awarded by way of damages and costs of the proceedings. In the appeal before us, Mr. R.K. Aggarwal learned Counsel appearing for the Central Bank of India has vehemently contended that it was for the Unit Trust of India to send the necessary units to the complainant once the amount had been credited to their account. In nut-shell, his contention is that there was no deficiency in service so far as the Central Bank of India is concerned as the Bank was only a collecting agent for the Unit Trust of India. If, at all, the District Forum should have passed the order against the Unit Trust of India and not against the Bank. We are not impressed with the submission made by the learned Counsel as both the Unit Trust of India as well as the Bank, who has acted as collecting agent of the Unit Trust of India are jointly and severally held liable. Otherwise also, when the Bank had received the amount from the appellant, he can certainly have the amount refunded from them with interest and it is between the Bank and the Unit Trust of India to have the reimbursement of the amount of interest adjusted. In view of the aforesaid position, we do not find any merit in the appeal and the same is dismissed. Appeal dismissed.