(2000) 10 NCDRC CK 0009

In the National Consumer Disputes Redressal Commission

CHAIRMAN, CUTTACK GRAMYA BANK — APPELLANT

Vs

SRIKANTA RAY — RESPONDENT

Date of Decision : 30-10-2000

Acts Referred:

Citation : 2001 1 CPJ 292 : 2001 2 CPC 281 : 2001 2 CPR 243

Hon'ble Judges : D.M.Patnaik , Arati Mohanty , Pramodnath Das J.

Final Decision : Appeal dismissed

Judgement

1. HEARD the complainant in person. The appeal is by the Chairman, Cuttack Gramya Bank against the order dated 4.2.1998 of the District Forum, Jajpur in C.D. Case No. 145 of 1997 making the appellants jointly and severally liable to refund the amount of Rs. 6,000/- deposited by the complainant towards principal and interest for the principal loan amount of Rs. 1,800/- alongwith Rs. 1,000/- as compensation and cost of litigation. HEARD the parties. Admittedly the complainant availed a loan of Rs. 1,800/- from the Bank by pledging gold ornaments. The record reveals that by the year 1992 the complainant had not repaid any amount and the total demand came to Rs. 6,000/-. The Orissa Debt Relief Scheme came into force in the year 1990. It is the case of the complainant that though he approached the Bank Authorities to avail the benefit of waiving the entire amount of the loan under the scheme the Bank did not pay any heed. Hence, the complainant approached the District Forum alleging deficiency in service. It is found that during the pendency of the case since a demand was made against the complainant, he was compelled to pay the amount of Rs. 6,000/- as was outstanding on that date.

2. THE opposite parties filed a version taking only the technical plea of absence of jurisdiction and that the Consumer Protection Act is not applicable to the present case. THE District Forum has rightly held on both these points in favour of the complainant. So far as the loan is concerned, the opposite parties merely putforth a case that it was not an agricultural loan. On going through the various documents and particularly the letters written by the complainant to the Bank,

we are satisfied that the loan availed was for agricultural purpose by pledging gold ornaments. THE District Forum has rightly held that the loan was an agricultural loan. Since the provisions of the Debt Relief Scheme was available as on the date when the complainant repaid the amount, the complainant was entitled to the benefit of the scheme. THE District Forum has rightly held that the amount should be refunded. We do not find any justification to interfere with the orders of the District Forum. THE appeal is dismissed. No cost. THE amount should be refunded within a period of 8 (eight) weeks from the date of communication of the order. Appeal dismissed.