(2010) 10 NCDRC CK 0026

In the National Consumer Disputes Redressal Commission

CITI FINANCIAL CONSUMER FINANCE INDIA LTD — APPELLANT

Vs

Rafiq Ahmed — RESPONDENT

Date of Decision : 07-10-2010

Acts Referred:

Citation : 2010 0 NCDRC 209 : 2010 4 CPJ 246 : 2010 4 CPR 132

Hon'ble Judges : Ashok Bhan , Vineeta Rai J.

Advocate : Rahul Malhotra , B.K.Kaushik

Judgement

1. THIS present revision petition has been filed by Citi Financial Consumer Finance India Ltd., (hereinafter referred to as Petitioner), aggrieved by the order of the State Consumer Disputes Redressal Commission, Delhi (hereinafter referred to as State Commission) in favour of Shri Rafiq Ahmed, the Respondent in this case. Briefly the facts of the case according to the Respondent who was the original complainant before the District Forum is that he had taken a loan from the Petitioner for financing the purchase of a RTV for his own business. The vehicle was financed for Rs.5,40,450/- and he was given a discount of Rs.10,000/- as per mutual settlement between the parties. The Respondent paid Rs.1,70,449/- in cash to the Petitioner for which three receipts for Rs.50,000/- dated 13.09.2002, Rs.94,149/- dated 16.09.2002 and Rs.26,300/- dated 20.09.2002 were issued. The balance amount of Rs.3,60,000/- was to be paid to the Petitioner in 35 equal monthly installments of Rs.14,029/- each. Complainant/ Respondent says that he paid 27 installments through cash and cheque, on 31.05.2005. On 31.05.2005, when the Respondent was out of station and when the vehicle was on the road, the Petitioner with the help of three or four persons took forcible possession of the vehicle after pushing out the driver. THIS was objected to by the Respondent''s son who was present in the vehicle. Respondent on his return to Delhi on 03.02.2005 met the Petitioner and objected to the illegal and forcible possession of the vehicle and requested for its release. Petitioner declined to do so. Aggrieved by this action, Respondent filed a complaint before the District Forum seeking Rs.2.00 lakh for mental harassment besides a direction to the Petitioner to hand back the vehicle to him. The

Petitioner on the other hand, totally denied most of the contentions of the Respondent. While admitting sanction of the loan