(2015) 04 NCDRC CK 0125

In the National Consumer Disputes Redressal Commission

DAKSHIN HARYANA BIJLI VITRAN NIGAM LTD — APPELLANT

Vs

M R Sapra — RESPONDENT

Date of Decision : 16-04-2015

Acts Referred:

Citation : 2015 2 CPR 363

Hon'ble Judges : V.B.GUPTA , SURESH CHANDRA J.

Final Decision : Revision disposed

Judgement

1. HEARD .

2. BRIEF facts are that Respondent/Complainant is a consumer of the Petitioners/ Opposite Parties vide Account No.A -2/B.S. The petitioners sent a bill of Rs.1,04,792.83P to be paid upto 24.2.1997. As per the allegations, the amount demanded in the bill of 2/97 is highly excessive and the respondent is not liable to make payment of this illegally charged amount. The amount of consumed unit comes to Rs.18, 650/ - and rest of the amount has been charged without any basis and only to harass the respondent. The complainant/respondent filed a consumer complaint praying that the demand of Rs.1,04,792.73P be set aside and petitioners be ordered to pay compensation to the tune of Rs.50,000/ -.

3. PETITIONERS contested the complaint and filed its written reply stating therein, that bill of Rs.1,04,792.73P was sent correctly to the respondent in the month of Feb.,1997. In this bill, amount of Rs. 85,463.73P has been charged vide sundry item no. 1 -67 dated 30.1.1997 on account of excess refund allowed to the respondent, due to bonafide mistake of the official of petitioners. So, respondent is liable to make payment of the said amount of Rs. 85,463.73P and bill of Rs.1,04,792.73P is correct. The complaint be dismissed with cost. District Forum vide order dated 22.11.1999, allowed the complaint and ordered that demand of Rs.1,04,792.73P raised as per sundry item no.1 -67 dated 30.1.1997 in bill of 2/97, be quashed and excess amount of Rs.11,350/ - deposited by respondent be adjusted in the future bills .

4. BEING aggrieved, petitioners filed First Appeal No.440 of 2006 before the State Commission.

5. THE State Commission concurred with the reasonings given by the District Forum and dismissed the appeal.

6. HENCE , the resent revision.

7. PETITIONERS raised a bill of Rs.1,04,792.73P in the month of February, 1997. However, refund of Rs. 85,463.73P was allowed by the Superintending Engineer (OP) Circle -1, Hisar on 18.5.1992, due to mistake on the part of its official.

8. THE Consumer complaint was filed in the year 1997. Thus, more than 17 years have lapsed. Even otherwise, there are concurrent findings of facts in favour of the complainant. Since, there was mistake on the part of petitioners'' official and paltry sum of about Rs. 1 lakh only is involved in this case, under these circumstances, we are not inclined to entertain this petition, in view of the decision of Apex Court in "Gurgaon Gramin Bank Vs. Khazani and another, 2012 4 CPJ 5), where Apex Court observed; "2. Number of litigations in our country is on the rise, for small and trivial matters, people and sometimes Central and State Governments and their instrumentalities Banks, nationalized or private, come to courts may be due to ego clash or to save the Officers'' skin. Judicial system is over -burdened, naturally causes delay in adjudication of disputes. Mediation centers opened in various parts of our country have, to some extent, eased the burden of the courts but we are still in the tunnel and the light is far away. On more than one occasion, this court has reminded the Central Government, State Governments and other instrumentalities as well as to the various banking institutions to take earnest efforts to resolve the disputes at their end. At times, some give and take attitude should be adopted or both will sink. Unless, serious questions of law of general importance arise for consideration or a question which affects large number of persons or the stakes are very high, Courts jurisdiction cannot be invoked for resolution of small and trivial matters. We are really disturbed by the manner in which those types of matters are being brought to courts even at the level of Supreme Court of India and this case falls in that category."

The Apex Court further held; "10. The Chief Manager stated in the affidavit that no bill was raised by the counsel for the bank for conducting the matter before the National Consumer Dispute Redressal Commission. We have not been told how much money has been spent by the bank officers for their to and fro journeys to the lawyers'' office, to the District Forum, State Forum, National Commission and to the Supreme Court. For a paltry amount of Rs.15000/ -,even according to the affidavit, bank has already spent a total amount of Rs.12,950/ - leaving aside the time spent and other miscellaneous expenses spent by the officers of the bank for to and fro expenses etc. Further, it may be noted that the District Forum had awarded Rs.3,000/ - towards cost of litigation and compensation for the harassment caused to Smt. Khazani. Adding this amount, the cost goes up to Rs.15,950/ -. Remember, the buffalo had died 10 years back, but the litigation is not over, fight is still on for Rs.15,000/ -.

11. Learned counsel appearing for the bank, Shri Amit Grover, submitted that though the amount involved is not very high but the claim was fake and on inspection by the insurance company, no tag was found on the dead body of the buffalo and hence the insurer was not bound to make good the loss, consequently the bank had to proceed against Smt. Khazani.

12. We are of the view that issues raised before us are purely questions of facts examined by the three forums including the National Disputes Redressal Commission and we fail to see what is the important question of law to be decided by the Supreme Court. In our view, these types of litigation should be discouraged and message should also go, otherwise for all trivial and silly matters people will rush to this court.

13. Gramin Bank like the appellant should stand for the benefit of the gramins who sometimes avail of loan for buying buffaloes, to purchase agricultural implements, manure, seeds and so on. Repayment, to a large extent, depends upon the income which they get out of that. Crop failure, due to drought or natural calamities, disease to cattle or their death may cause difficulties to gramins to repay the amount. Rather than coming to their rescue, banks often drive them to litigation leading them extreme penury. Assuming that the bank is right, but once an authority like District Forum takes a view, the bank should graciously accept it rather than going in for further litigation and even to the level of Supreme Court. Driving poor gramins to various litigative forums should be strongly deprecated because they have also to spend large amounts for conducting litigation. We condemn this type of practice, unless the stake is very high or the matter affects large number of persons or affects a general policy of the Bank which has far reaching consequences.

14. We, in this case, find no error in the decisions taken by all fact finding authorities including the National Disputes Redressal Commission. The appeal is accordingly dismissed with cost of Rs.10,000/ - to be paid by the bank to the first respondent within a period of one month. Resultantly, the Bank now has to spend altogether Rs.25,950/ - for a claim of Rs.15,000/ -, apart from to and fro travelling expenses of the Bank officials. Let God save the Gramins."

9. ABOVE quoted observations of the Apex Court, with all force are fully applicable to the facts and circumstances of the present case.

10. UNDER these circumstances, as paltry amount of about Rs.1 Lakh only is involved and petitioner being a Govt. Nigam, we are not inclined to entertain this revision petition. However, question of law raised in this petition, is kept open to be decided in an appropriate case, where the stakes are high.

11. IN view of the above observation, the present revision stand disposed of.

12. DASTI .

