

(1998) 03 NCDRC CK 0021

In the National Consumer Disputes Redressal Commission

FEDERATION OF THE PUNJAB STATE CONSUMERS
ORGANIZATIONS (REGD).

APPELLANT

Vs

PATIALA CENTRAL CO-OPERATIVE BANK LTD.

RESPONDENT

Date of Decision : 19-03-1998

Acts Referred:

Citation : 1998 1 CLT 413 : 1998 1 CPC 535 : 1998 2 CPJ 172

Hon'ble Judges : A.L.Bahri , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal allowed

Judgement

1. DISTRICT Forum, Patiala on March 4,1997 disposed of the complaint filed by the Federation of Punjab State Consumers" Organisation with the direction to the opposite party - Patiala Central Co-operative Bank to allow the complainant to operate the account without insisting for any fresh introduction. Since no compensation or costs were awarded, the complainant is in appeal. On notice of the appeal, the opposite party did not appear. As registered notice had not been received back and a month had passed, the opposite party was proceeded ex-parte vide order dated August 4, 1997. The case was adjourned to March 12, 1998 and again by ordinary post, respondents were informed about the date of hearing. Since no appeal has been filed by the Bank, the finding of deficiency in rendering service as recorded by the DISTRICT Forum has to be accepted as correct. We order accordingly.

2. IN order to determine compensation under Section 14(1)(d) of the Consumer Protection Act, a finding is required to be recorded with respect to the actual loss suffered on account of negligent act of the opposite party. At this stage, facts in brief may be noticed. The complainant is a registered body having Saving Bank Account with the opposite party, A/c No. 1860. The same was opened on the introduction of Shri Ashok Kumar, an account holder of the Bank - opposite party. On September 16,1996, the aforesaid Ashok Kumar withdrew his introduction, The complainant was called upon to produce another introducer. The Bank was informed that there was no need for the same. However, the Bank did not agree.

The complaint was thus filed on December 2, 1996. With the direction as given by the District Forum, the complainant is entitled to operate the aforesaid account without producing any introducer. Since the amount remained in the account of the complainant, he is getting interest on the same at the agreed rate. It has not been shown that the amount was required to be withdrawn and on that account any specific loss was suffered by the complainant. Orally Mr. Mohinder Singh, Advocate for the appellant stated that a sum of Rs. 700/- was sought to be withdrawn, which was not permitted that the complainant was constrained to file the complaint. Assuming it to be so, non-use of Rs. 700 / - for few days may have caused some loss to the complainant, apart from mental harassment for which notional amount only is required to be fixed on rough estimation. The Counsel for the appellant also pressed for costs, which the District Forum was required to allow. There is force in this contention. When the complaint was allowed and some relief was granted, the appellant was not to be deprived of the costs of litigation. It is in this situation that while allowing the appeal and modifying the order of the District Forum, we grant a sum of Rs. 500/- towards compensation and costs. The aforesaid amount would be paid within one month from the receipt of copy of this order by giving credit in the account of the complainant by the opposite party. Appeal allowed.