

(2002) 04 NCDRC CK 0001

In the National Consumer Disputes Redressal Commission

Hanuman Hosiery

APPELLANT

Vs

CANARA BANK

RESPONDENT

Date of Decision : 30-04-2002

Acts Referred:

Citation : 2002 3 CPJ 253

Hon'ble Judges : D.P.WADHWA , J.K.MEHRA , B.K.TAIMNI J.

Judgement

1. THE complaint is by M/s. Hanuman Hosiery, a partnership firm for recovery of Rs. 47,56,340/- on account of alleged deficiency in service on the part of the opposite party -Canara Bank for not releasing the amount of Rs. 1,25,000/- out of Rs. 2.00 lakhs which was promised to be given to the complainant.

2. IT is not disputed that a loan of Rs. 75,000/- was sanctioned by the Canara Bank. It is, however, the case of the Canara Bank that it never sanctioned loan of Rs. 2.00 lakhs or that it refused to pay Rs. 1,25,000/- to the complainant out of the alleged sanctioned loan. Canara Bank had stated that when Rs. 75,000/- were sanctioned there was no assurance whatsoever given by it for further sanction of loan. As a matter of fact, complainant had not furnished any document in support of its version. Rather Bank had stated that the complainant did not submit details of estimates, requirement of working capital, proof of present overdues with Bihar State Financial Corporation, sources of raw materials and arrangement for sale of finished goods, sources of margin, stock statement, etc. Therefore, there was no question of sanctioning of any further loan. As to how the amount of over Rs. 47.50 lakhs is claimed by the complainant towards compensation following particulars were given in the complaint which we reproduce : "1. According to the project report of 1989 annual saving of Rs.Rs. 70,204/- @ 18% From Nov., 1989 to 31st Oct., 1992alongwith annual interest. 3,24,342.00 2. Project Report Nov. 1992 to July 1994alongwith 18% annual interest of Rs.Rs. 2,46,085.50 annual savings. 5,66,305.00 3. Project Report August, 1994 to 30th April, 1997. Annual saving Rs. 5,72,130 @ 18% interest per annum 23,02,169.00 4. Interest of Bihar Rajya Vitiya Nigamfrom Nov., 1989

to 30 April, 1997 4,15,000.00 5. Margin Money factory construction, machine and furniture, etc. Rs. 1,00,150.80. Margine Money for pro -duction Rs. 50,000.00. Total MarginMoney Rs. 1,50,150.00 with interest @ 18% per annum from Nov. 1980 to 30 April, 1997 3,52,853.00 6. Pay of Chowkidar @ 1,000/ - per month from Nov., 1989 to 30th April, 1997 alongwith 18% interest per annum 2,11,500.00 7. Loan of Industry Deptt. Alongwith interest @ 18% per annum 3,500.00 8. Electirc Bill alongwith interest 25,000.00 9. Physical and mental extortion to Director of Hanuman Hosiery Manak Raj Devi due to capital holding in Industry and closure of Industry. Due to this Manak Raj Devi became ill and expired on 18.3.1997 5,00,000.00 10. Expenses of case 5,000.00 47,56,340.99

From these very figures it is apparent that such a claim is an abuse of the process of Consumer Forum under the Consumer Ptotection Act. We would, therefore, dismiss the complaint as not maintainable. However, this order of dismissal will not come in the way of complainant if it wants to seek its remedy before any other appropriate Forum. Complaint dismissed.