

(2017) 01 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

Case No : 3414 of 2016

INDIAN OVERSEAS BANK

APPELLANT

Vs

R.K SHARMA

RESPONDENT

Date of Decision : 02-01-2017

Acts Referred:

Citation : (2017) 01 NCDRC CK 0004

Hon'ble Judges : D.K. Jain, M. Shreesha

Judgement

1. This Revision Petition, by Indian Overseas Bank (for short "the Bank"), is directed against the order dated 9.11.2016, passed by the State Consumer Disputes Redressal Commission at New Delhi (for short "the State Commission") in First Appeal No.442/2014. By the impugned order, the State Commission has affirmed the order dated 25.2.2014, passed by the Consumer Disputes Redressal Forum VI, District New Delhi (for short "the District Forum") in Case No.CC/538/12. By the said order, while accepting the Complaint filed by the Respondent herein, alleging deficiency in service on the part of the Petitioner Bank in causing delay in the credit of his Savings Bank account, the proceeds of the cheque in the sum of 24,652.82, the District Forum had directed the Petitioner to pay to the Complainant a sum of 50,000/- as damages, which was inclusive of the litigation expenses.

2. Having heard Learned counsel for the Petitioner and the Complainant, who is on caveat, we are of the view that the Revision Petition is without any substance. On appraisal of the evidence adduced by the parties, particularly the pay-in-slip, both the Fora below have recorded a concurrent finding of fact that the Petitioner had failed to substantiate its stand that the delay in credit of the said amount was because of the reason that the Complainant had failed to mention the Account Number and the account holder's name on the pay-in-slip, at the time of deposit of the cheque. Both the Forums have rejected the stand of the Petitioner that the said particulars were filled up later. The said finding having not been specifically challenged as being perverse, we do not find any jurisdictional

error in the impugned order, warranting our interference in Revisional jurisdiction, more so when the total amount involved in the case is a meagre sum of 50,000/-, which includes the litigation cost.

3. The Revision Petition is dismissed accordingly.