

(2002) 01 NCDRC CK 0049

In the National Consumer Disputes Redressal Commission

INVESTMENT CO. LTD. PEERLESS GENERAL FINANCE AND

APPELLANT

Vs

P.NARAYANA

RESPONDENT

Date of Decision : 04-01-2002

Acts Referred:

Citation : 2002 3 CPJ 243

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision petition has been filed by the petitioner company against the order of State Commission who largely maintained the order passed by the District Forum allowing the complaint. Brief facts necessary to appreciate the case are that the petitioner floated a scheme through which deposits were accepted by the petitioner, in this case through respondent No. 2 working through respondent No. 3. Respondent No. 1/complainant in his complaint had stated as having deposited 15 instalments of Rs. 245/- each of six monthly instalments. Thus in all, he deposited Rs. 3,675/- under the scheme; there was provision for a premature withdrawal but initial lock-in period was two years. When the complainant approached the petitioner for refund of his deposited amount as per terms of the scheme, the petitioner did not pay, as according to him, only one initial instalment has been deposited, hence the complainant was not entitled to the surrender value. Alleging deficiency of service, the respondent No. 1/complainant filed complaint before the District Forum requesting for refund of Rs. 3,675/- with interest and claiming of Rs. 5,000/- plus costs. The District Forum after hearing both the parties and after detailed examination of material on record directed refund of Rs. 1,470/- with interest @ 18% from 18.6.1993 till the date of realisation as the District Forum could be satisfied, of the complainant having paid only six instalments for which receipts could be produced.

2. ON appeal being filed, the State Commission modified the order of the District Forum to the extent of reducing the rate of interest from 18% to 15% p.a. It is against this order the company has filed the revision petition. The orders of both

the lower Fora are sought to be challenged on two grounds. Firstly, that since the complainant had deposited only one instalment, hence under Clause 6 of the condition of the scheme, the complainant is not entitled for any refund as he had not deposited his instalments of two full years and secondly the District Forum, Mehboon Nagar had no jurisdiction to entertain the complaint as the company had no office in the District.

We have seen the material on record. The District Forum has gone into both the questions at length and have found on evidence and material on record that the petitioner had indeed issued six receipts in all, thus negating application of condition 6 of the scheme, if at all, it had any significance, and secondly it is not disputed that respondent No. 2 who was accepting the amounts on behalf of the company was his Field Officer and respondent No. 3 the Agent working under respondent No. 2. Based on these unrebutted facts, the lower Fora did not entertain the plea of the petitioner on the question of jurisdiction. We are in total agreement with the reasoning on which orders have been passed by both the lower Fora and find no merits in the arguments put forth by the petitioner before us. This revision petition is dismissed with costs of Rs. 1,000/- to be paid by the petitioner to the respondent No. 1 for unnecessarily involving him in avoidable litigation. Revision Petition dismissed.