

(2003) 07 NCDRC CK 0094

In the National Consumer Disputes Redressal Commission

JAIRAJ JAVA

APPELLANT

Vs

Citi Bank N.A.

RESPONDENT

Date of Decision : 04-07-2003

Acts Referred:

Citation : 2003 4 CPJ 139

Hon'ble Judges : M.S.Rane , V.K.Data J.

Final Decision : Complaint dismissed

Judgement

1. THE complainant claims to be an N.R.I. Indian Citizen. He has filed this complaint claiming a sum of Rs. 20,00,000/- as compensation and interest at the rate of 24% p.a. on the said amount alleging deficiency against the O.P.-Bank for not allowing him to operate his various Accounts opened by him with it.

2. THE O.Ps. have appeared in the matter by filing their written statement and they have resisted the claim as made by the complainant in the complaint. We consider it unnecessary to have a detailed advertance to the factual aspect as involved in the matter herein. Since the complaint herein must be thrown out as the same is hopelessly time-barred and no explanation for such a delay.

On own showing of the complainant in para 3 of the complaint, that he was not allowed to operate his accounts by the O.P.-Bank since the year 1992 and the complaint herein has been filed in the year 1997 i.e. exactly in the month of April, 1997 i.e. nearly five years after, according to him, he was prevented from operating the account.

3. UNDER Section 24-A of Consumer Protection Act, 1986, period of limitation prescribed for filing the consumer dispute is two years from the date of occurrence of cause of action. While Sub-section (ii) of the said section provides for condonation of delay on complainant "showing sufficient cause for not filing the complaint within such period". Apart from the fact that there is no application made showing sufficient cause for such an inordinate delay, we do not find appropriate averment having been made in the body of the complaint as to why

it did not occur to the complainant to pursue remedy as done in this complaint promptly. This is more so, when according to him, the freezing of his accounts or to put it in other words, not allowing him operation of accounts was a serious matter which is amply demonstrated from the fact that he has claimed a compensation of Rs. 20 lakhs in this complaint which is to the optimum pecuniary limit of jurisdiction of this Commission at the relevant time.

4. WE, therefore, hold that this complaint is hopelessly time-barred and the delay is not at all been explained. Consequently complaint stands dismissed. ORDER 1. Complaint stands dismissed. 2. No order as to cost. 3. Office to furnish copies of the order to the parties. Complaint dismissed.