(1994) 07 NCDRC CK 0034

In the National Consumer Disputes Redressal Commission

KUMARI JAYA — APPELLANT

Vs

NEYYATTINKARA PRIMARI CO-OPERATIVE AGRICULTURAL DEVELOPMENT BANK LTD. — RESPONDENT

Date of Decision : 08-07-1994

Acts Referred:

Citation : 1995 2 CPJ 47

Hon'ble Judges : P.K.Shamsuddin , C.G.Sethu Lakshmi J.

Final Decision : Appeal dismissed

Judgement

1. - THIS appeal is directed against the Order passed by the District Forum, Thiruvananthapuram in O.P. 258/91. The opposite party is Neyyattinkara Primary Co-operative Agricultural Development Bank Ltd., represented by its Secretary. A long term agricultural loan for Rs. 25,000/- under the SADU scheme was granted to the appellant/complainant by the Bank. The complainant executed a bond for Rs. 25,900/- to be paid in instalments according to the certificate of the Agricultural Officer. The third item of Rs. 3000/- was for purchase of a cow. The complainant''s grievance is that the said amount was not disbursed to the complainant on the ground that the bank had to spend more amounts for the pumpset. It was also alleged by the complainant that a subsidy of 5% of the loan upto Rs. 25,000/- has to be granted, but in the demand notice dated 7.2.1989 issued by the opposite party no deduction was made towards subsidy. It is in those circumstances the complaint was filed.

2. IN the version filed by the opposite party it was admitted that loan was sanctioned. The non-payment of Rs. 3000/-for the cow was also admitted. However, the opposite party contended that the Agricultural Officer submitted a note to the effect that Rs. 2925/- was recommended in excess of the existing norms of the NABARD and as the Bank could function only as per such norms as are prescribed by NA-BARD, it was not able to disburse the amount for the cow and it was duly brought to the notice of the complainant who without demur availed the subsequent part of the loan also. Regarding subsidy it was contended

it was allowed only as per Govt. orders and the Govt. have issued an order stopping the payment of subsidy. It is further alleged that during 1985-88 the complainant used to remit the instalments in time but from November 1988 onwards she was irregular in the remittance of instalments and in such circumstances the bank was not in a position to sanction 5% interest subsidy. The District Forum found that there is no deficiency in service. It was observed that Agricultural Officer submitted a report to the effect that an amount of Rs. 2925/- was recommended in excess of the existing norms of the NABARD and no more amount could be disbursed and the bank could function only as per the norms prescribed under the rules and conditions of the NABARD. It is also submitted that the complainant was informed of the position. As regards the subsidy it is stated it was granted since the same was sanctioned by the Government to the loanees. During 1985-88 the complainant was allowed 5% interest subsidy as per rules. Ext. R3 Govt. circular issued by the Government directed the bank to give full amount of interest with effect from 1.7.1989. It has been brought out that the complainant was not paying instalments regularly after 1988. Moreover the deficiency of service alleged by the complainant does not fall within the purview of the Consumer Protection Act as it is not a service which is rendered for consideration.

There is no merit in this appeal and accordingly it is dismissed. However, we direct the parties to bear their respective costs. Appeal dismissed.