
(2004) 04 NCDRC CK 0077

In the National Consumer Disputes Redressal Commission

L.I.C.

APPELLANT

Vs

MIMANGSHU KUMAR DAS

RESPONDENT

Date of Decision : 07-04-2004

Acts Referred:

Citation : 2004 3 CPJ 271

Hon'ble Judges : S.Majumder , D.Karformas J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal filed against the order dated 4.10.1999 passed by the Dist. Forum, Uttar Dinajpur. The present appellant (LIC) was the O.P. before the Forum while the present respondent was the complainant. The brief facts of the case are as under.

2. THE complainant had a LIC policy styled as "Money Back Policy" under which LIC will return Rs. 1,000/- every five years to the policy-holder as "Survival benefit" (S.B.). THE complainant got the first such payment in the normal course, but dispute arose in regard to the second payment of Rs. 1,000/- which fell due on 28.11.1996. As alleged by the complainant, the L.I.C. did not send him the discharge voucher and the prescribed form related to the S.B. payment. When the complainant reminded the LIC about the S.B. payment, there was no response from the LIC. Ultimately in response to a letter dated 25.3.1997 from the complainant LIC replied on 27.3.1997 that the discharge voucher was sent to one Mr. A.K. Ghosh, the LIC Agent related to the subject policy. In reply the complainant again prayed for the discharge voucher from the LIC on 21.7.1997. When the duplicate discharge voucher was not issued, the complainant served lawyer's notice on 21.9.1997 claiming the S.B. amount of Rs. 1,000/- together with interest @ 2% per month from 28.11.1996 till payment. After some further exchange of correspondence LIC sent the duplicate discharge voucher. But the complainant did not get the payment, as he failed to produce the relevant premium receipt. After some further exchange of correspondence, LIC agreed to pay the matured sum of Rs. 1,000/- along with interest, but the rate of interest

was not specified. However, during the hearing, the Forum recorded that LIC was agreeable to pay interest @ 9% p.a., addressed by the complainant is quite revealing. In this letter the complainant has clearly admitted that it was his complete failure to collect the said discharge voucher and he also expressed his regret for having failed to contact LIC office. However, it is surprising to note that having admitted as above, the complainant, in the same breath, has repeated his claim for interest for late payment. From what has been discussed above it is quite clear that the complainant was really interested in getting overdue interest from LIC rather than taking effective steps for getting the S.B. payment after completion of all the requisite formalities. Even so LIC has agreed to pay interest @ 9% p.a. (as per their settled rules) for the period from 28.11.1996 (the scheduled date for S.B. Payment) till actual payment. In our opinion this is a very reasonable offer as the complainant does get some interest for the period for which he has not received the payment, even though LIC cannot be held to be responsible for the delay. Accordingly the Forum's order awarding interest @ 10% p.a. cannot be sustained. Moreover no deficiency in service on the part of LIC has been established because, as is evident from the letter of the complainant dated 21.7.1997, the discharge voucher was not received by him primarily on account of his own laches inasmuch as he failed to take timely action to collect the discharge voucher. Therefore, the question of any compensation to be paid by the LIC as ordered by the Forum, does not arise. Thus the appeal succeeds and the impugned order of the Forum cannot be sustained.

In view of the foregoing discussion, we deem it appropriate to pass the following order.

3. THE appeal is allowed ex parte and the impugned order of the Forum is set aside. In case the discharge voucher has not yet been received by the complainant, LIC should send the same immediately along with other requisite papers. THE complainant upon receipt of the same, will complete all the requisite formalities and return the discharge voucher for Rs. 1,000/- together with interest @ 9% p.a. from 28.11.1996 till payment, along with other supporting documents. On receipt of the same LIC would make the aforesaid payment immediately. The appeal stands disposed of accordingly. However, there will be no order as to costs. A copy of this judgment should be sent to the respondent immediately. Appeal allowed.