(2009) 09 NCDRC CK 0012

In the National Consumer Disputes Redressal Commission

MANOHAR SINGH APPELLANT

Vs

Mahindra And Mahindra Financial Services Ltd. And Ors. RESPONDENT

Date of Decision : 04-09-2009

Acts Referred:

Citation : 2009 4 CPJ 271

Hon'ble Judges : R.K.BATTA , P.D.SHENOY J.

Final Decision : R.P. dismissed

Judgement

1. THE petitioner/complainant had taken loan of Rs. 1,60,800 from the respondents for purchase of a tractor in 2003. The said loan was to be repaid in four instalments of Rs. 40,200. According to the Complainant, he had paid the said instalments in time, but the respondents did not issue NOC which amounts to deficiency of service. The complainant accordingly approached District Forum claiming compensation and directions to issue NOC.

2. THE respondents in their reply had stated that the instalments were to be paid on 10.1.2004, 10.7.2004, 10.1.2005 and 10.7.2005, but the complainant paid the said instalments late as a result of which, he was required to pay a sum of Rs. 14,680.45 ps. The instalments were paid late on 10.4.2004, 21.10.2004, 10.4.2005 and 10.10.2005. The respondents had given details of payment in Annexure - 3 which is at pages 35 -36 of the revision.

3. THE District Forum had allowed the complaint by directing the respondents to issue NOC within 15 days and demand of interest for delay in payment of the respondents was rejected. A sum of Rs. 1,000 was ordered for mental harassment and Rs. 1,000 for the cost of the suit. The State Commission found that the instalments were paid late and as such the respondents were justified in claiming Rs. 14,680.35 from the complainant and the respondents were justified in not issuing the NOC. Before the State Commission, the learned Counsel for the present petitioner had stated that they were ready to issue NOC on receipt of Rs. 14,680.35 and they will not charge interest for two years from the time the said amount was due. The State Commission accordingly set aside the order of the

District Forum and directed the complainant to deposit Rs. 14,680.35 with the respondents and on receipt of the same the respondents were directed to give NOC. This order is subject matter of challenge in this revision.

4. LEARNED Counsel for the petitioner took us through the statement issued by the Punjab National Bank and pointed out that insofar as the first instalment is concerned, there were ample funds and the respondents were not justified in claiming interest in respect of the said instalment. However, Counsel for the petitioner admitted that there was delay in payment of the other instalments as the funds in the account were not sufficient. In respect of the first instalment, the amount of interest claimed was Rs. 3,608.09 Ps. However, we have to bear in mind that the respondents have already extended concession before the State Commission that they would not charge further interest on the sum of Rs. 14,680.35 ps., which was due from the year 2006. In this view of the matter, we are not inclined to interfere with the order passed by the State Commission in exercise of revisional jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act, 1986, as we find that the said order is just, fair and equitable. The revision is accordingly dismissed with no order as to cost.

