(2003) 07 NCDRC CK 0086

In the National Consumer Disputes Redressal Commission

MATTEI GROUP OF COMPANIES APPELLANT

Vs

PUNEET GARG RESPONDENT

Date of Decision : 21-07-2003

Acts Referred:

Citation : 2003 3 CLT 544 : 2003 4 CPJ 160

Hon'ble Judges : K.D.Shahi , Luxmi Singh J.

Final Decision : Appeal dismissed with costs

Judgement

1. THIS is an appeal by Managing Director, Mattei Group of Companies, 16/29, Civil Lines, Kanpur against the judgment and order dated 28.8.2001 passed by the District Forum, Haridwar to return the deposits of the complainant along with maturity value.

2. THE appellant has been finding fault at the time of arguments in the frame of the complaint of the complainant arguing that what is the exact amount deposited, what is the maturity value, how it becomes 50,000/- rupees is not clear, but he did not find any fault in its Counsels, its honesty and in his pleadings. In the public, there is a mushroom growth of these Furzi companies to digest the hard earned money of poor consumers and when the question of payment arises, they start saying that they are not legally bound to refund. THEy do not see their moral or ethical duty, but only start finding fault with law, procedure and the conduct of the proceedings in the case. With these observations, we proceed to decide the case on merits. The complainant used to deposit Rs. 50/- per day in the appellant''s Company and he deposited a total sum of Rs. 17,650/-. This amount is totally clear. Its maturity value is to be calculated by the Company. It became matured. After the deposit, when the demand was made, the Company started saying that it had business concern for one year at Kanpur and it has nothing to do with Roorkee. Some fake and Furzi persons have got passbook and other papers prepared in the name of the Company, collected money and digested it. The Company has nothing to do with these deposits, passbook or the activities of so-called employees at Roorkee.

But, the written statement, itself, shows that this is nothing but a fraud on the party as well as on the "public". The Company has got its registered office at Kanpur. According to the complainant, it had a branch at Roorkee. The appellant in the written statement has alleged that the Company is also associated with Alternative Medical Association and Electro Homeopathic Medicines Education and Journalism and other Institutions. It means that it is not defrauding only the complainant and poor consumers who deposit money, but has got roots to infect and effect other institutions as well. It is alleged that in this connection, the opposite party No. 1, Dr. B. Kumar, Managing Director is associated with Dr. R.S. Sharma of Roorkee and Haridwar as well. It got correspondence with Dr. Sharma and has got business relationship in respect of medicines, books, etc. We mean to say that the Managing Director was not an outsider or foreigner for Rorkee, but has got every business relationship at Roorkee. It is further admitted that one Dhoom Singh also came in the Company and explained that he wants to establish a Company and it is alleged that the entire matters have been fabricated by Dhoom Singh and Dr. Sharma.

The fantasy is that the complainant has sent notice on 27.3.2000 and 7.4.2000 to the company. The company has received these notices. But still no steps at all were taken by the complainant against Dhoom Singh and Shri Sharma that why they are using the name of the Company when the Company has nothing to do with them or the depositors. Any sane or honest person would have immediately lodged FIR against Dhoom Singh and Sharma, but the tragedy is till date from the date of filing the appeal for more than 3 years, the appellant did nothing against them and still says that he has nothing to do with Shri Dhoom Singh and Shri Sharma. This is the height of the dishonesty.

3. THE complainant has filed all the documents, passbook and other papers showing the deposit and it is no other paper than the passbook of the appellant. THE appellant should be honest enough to complete its commitments and obligations to the society as he has said above that he is affiliated with several social institutions. The records fully establish that this is a Company and the Company alone which digested the money. It was argued by the learned Counsel for the appellant that Dhoom Singh has not been impleaded as party. He is said to be only''s servant of the Company. Had Dhoom Singh been impleaded as a party, he could have very well pleaded that he is not at all liable as he was merely a servant of the Company. It was not at all necessary for the complainant to have made Dhoom Singh as a party. The second argument of the learned Counsel for the appellant that the case be remanded for fresh hearing so that the appellant may get another lease of life to harass the complainant. The appellant was served. It filed written statement. It filed affidavit. It does not prefer to contest. He was fully knowing that he is digesting the hard earned money of a poor consumer He could not have any face to contest the case. Therefore, his non-contesting the case at subsequent stages, does not entitle him to again get the case remanded, and again to prolong it for 4 years. He should be honest enough to pay the amount.

4. WE have gone through the judgment. The judgment passed by the learned Forum is totally correct on facts and merits. There is no question of payment of Rs. 50,000/-. The appellant has been directed to pay only the maturity amount along with further interest of 15% and cost of litigation tantamounting to Rs. 1,000/-. The order is fully justified in the circumstances of the case and does not call for any interference. This appeal has got no force and is to be dismissed with further costs. ORDER The appeal is, hereby, dismissed with cost of Rs. 2,000/- to the complainant. Appeal dismissed with costs.

