
(2001) 08 NCDRC CK 0073

In the National Consumer Disputes Redressal Commission

MIHIR KUMAR MUKHERJEE

APPELLANT

Vs

OF INDIA BRANCH MANAGER, UNITED BANK

RESPONDENT

Date of Decision : 08-08-2001

Acts Referred:

Citation : 2002 0 CTJ 484 : 2002 2 CPC 128 : 2002 2 CPJ 38

Hon'ble Judges : D.P.Wadhwa , C.L.Chaudhry , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. THE petitioner, Mr. Mihir Kumar Mukherjee, filed the revision petition against the Branch Manager, United Bank of India & Ors. being aggrieved by the order of the State Commission, West Bengal dated 10.8.2000 in Appeal No. 348/A/00, wherein the State Commission set aside the order of the District Forum and directed the respondent to issue a receipt for an amount of Rs. 450/- deducted for locker rent from Savings Bank Account. Both the parties are absent and Counsel Mr. Rajiv Mahajan has been appointed as amicus curiae to represent the petitioner. Brief facts of the case are as follows : THE petitioner rented a locker as licensee from the United Bank of India, New Alipore Branch, Calcutta from 20.11.1975 and paid rent annually. THE amount of rent was gradually and periodically increased by the respondent Bank from Rs. 35/- in the year 1975 to Rs. 300/- in the year 1998. THE petitioner issued a letter to the Bank Manager on 15.11.1998 authorising him to deduct Rs. 300/- from his Savings Account to pay the locker rent and also asked for receipt for the same. Head Office of the Bank has increased the rents for all the lockers and the petitioner's locker rent was also raised from Rs. 300/- to Rs. 450/- per year as communicated vide their Circular dated 30.4.1999 to all branches. Accordingly, on 7.1.2000 the Bank deducted Rs. 450/- from the Savings Account of the petitioner. THE petitioner wrote a letter to the Bank on 1.2.2000 asking for refund of the excess amount of Rs. 150/- and also contended that receipt for Rs. 450/- was not given to him and filed a complaint in the District Forum.

2. DISTRICT Forum partly allowed the complaint and directed the opposite party/respondent/Bank to issue the receipt for the locker rental amount of Rs. 450/- which was deduced from the Saving Bank Account of the complainant. On an appeal preferred by the petitioner/complainant, the State Commission, West Bengal dismissed the appeal and also set aside the direction given by the DISTRICT Forum regarding issuance of receipt. In this revision petition, the petitioner again has raised all the issues as given below : (i) That the cause of increase in rent is not explained by the Bank which is deficiency in service. (ii) That the increase in rent without any increase in service is an unfair trade practice. (iii) That his consent was not taken in advance before making deductions from the Savings Bank Account towards locker rent. (iv) Prayed for refund the excess amount of Rs. 150/- and to credit it to his Savings Bank Account. (v) Prayed for issuance of receipt for the amount of Rs. 450/-.

We considered the issues raised by the petitioner with reference to memorandum of lease of locker issued by the Bank on 20.11.1975 and the rules attached and came to following conclusions : As per Points (i) and (ii), Bank has not entered into any such agreement with the hirer of lockers that they can enjoy the locker indefinitely without any increase in rent. Admittedly, the petitioner accepted earlier rent hike in the years 1985, 1993 and 1996 without any protest. The petitioner is at liberty to continue the locker facility or to withdraw the same when there was an increase in the locker rent on 7.1.1995. Under the Rule 18 attached to the Memorandum "it is hereby agreed that the relation of the hirer(s) and the Bank in this connection is that of Licensor or Licensee and not that of a Banker and customer and/or of Bailer and Bailee", clearly indicates it is on hire basis the locker was granted to the petitioner. We do not see any deficiency in service or unfair trade practice in the conduct of the respondent in increasing rent as it is necessitated due to increase in cost of maintenance, salary of the staff and other incidental expenses like rent of the accommodation etc. and it is not increased only for the petitioner but to one and all. We find the petitioner has no locus standi to challenge the revision of the locker rent. No one is stopping him from doing so as their relationship is of Licensor and Licensee and not as Banker and Customer service. According to Rule (a) "All rents are payable strictly in advance and the Bank reserves the right of refusing access to the locker in the event of the rent not being paid when one whether the same is demanded or not" the Bank has a right to collect the amount unless the licensee decides to withdraw his account. Besides, the petitioner also authorised vide letter dated 15.10.1998 to the Bank to deduct Rs. 300/- from my S/B Account No. 1244 on 20th day of November of every year as locker rent for the following one year is 20th November of the year to 19th November of the next year, so long I occupy the Locker No. 49 mentioned above or till further notice from me. This letter by petitioner enables the Bank to adjust and do not attribute any negligence by the Bank. With the discussion and explanation given above, the question of refund of Rs. 150/- with interest does not arise, as it is applicable to one and all on the basis of policy revision taken by the Bank due to increase in maintenance and

cost. Thus, the increase in locker rent does not mean that there should be corresponding increase in service in this matter. Lastly, as for issuance of receipt for Rs. 450/- as directed by the District Forum, the respondent did not come on an appeal to the State Commission. Hence, the directions given by the State Commission that District Forum is not justified in granting the receipt is not correct, as this issue was not taken up by the respondent Bank. They have not preferred an appeal in the order of District Forum. In view of above discussions, the revision petition is dismissed. We affirm the order of the State Commission. There is no order as to costs. Revision Petition dismissed.