(2007) 09 NCDRC CK 0004

In the National Consumer Disputes Redressal Commission

Narasimhaiah APPELLANT

Vs

DISTRICT KADHI GRAMODYOG MANDALI RESPONDENT

Date of Decision : 28-09-2007

Acts Referred:

Citation : 2008 1 CPJ 103 : 2008 1 CPR 187

Hon'ble Judges : S.N.Kapoor , B.K.Taimni J.

Advocate : K.M.Sahai , T.S.Santhi

Judgement

1. THE petitioner was the complainant before the District Forum, where he had filed a complaint alleging deficiency in service on the part of the respondent.

2. VERY briefly the facts, as brought out in the complaint are that the petitioner had applied to the respondents for a loan of Rs. 10 lakh to start a ''moulded-Brick manufacturing unit''. But the respondent sanctioned a loan of Rs. 5. 5 lakh out of which Rs. 4,68,000 were released. Despite repeated efforts, the respondents have not released the remaining amount of the loan project worth Rs. 10 lakh. For the remaining amount as demanded by the complainant, he was asked to approach any other bank or Financial Institution. In pursuance of which, he approached the Consortium Bank Credit (CBC), Tumkur, who sanctioned a loan for purchase of tractor. It was the case of the complainant that the second respondent, namely, CEO, Karnataka State Khadhi Gramodyoga Mandali, Bangalore, have not released 30% margin money of Rs. 1. 5 lakh to the beneficiary under ''pottery scheme'' of the first and second respondents. Hence, they were deficient in rendering service. It is in these circumstances that a complaint was filed before the District Forum praying for direction to the respondents to release 30% margin money of Rs. 1. 5 lakh to the petitioner, where the matter was contested. The District Forum after hearing the parties dismissed the complaint. An appeal filed against this also met the same fate, hence this revision petition before us. We heard the learned Counsel for the petitioner and perused the memo of revision petition filed before us. No sanction letter has been produced before us, nor any detail of any ''scheme'' floated by

the first and second respondents has been produced before us under which the complainant/petitioner was entitled to ''margin-money'' as demanded by him. In fact the stand of the respondent Nos. 1 and 2 is that against a sanction of Rs. 5. 5 lakh loan to the complainant, Rs. 4. 68 lakh was released and the petitioner has not used this money within 6 months for the object for which the loan was given, which is a violation of the rules and regulation for utilising the amount to any beneficiary. It is also on record that while the money was released and the loan was sanctioned of 1999 and as late as 2001 when the Officer of the second respondent visited the site, he submitted a report, that the amount has not been utilised for the purpose for which it was sanctioned. These facts remain unrebutted, in view of which, we do not find that any deficiency in service can be fastened on the part of the first and second respondents.

As far as third respondent is concerned, admittedly, the complainant has discharged the loan after the third OP had instituted legal proceeding against the petitioner, in view of which, nothing survives as far as third respondent is concerned.

3. IN the aforementioned circumstances, the petitioner has completely failed to prove any deficiency in service on the part of the respondents 1 and 2, in view of which we find no merit in this revision petition, hence dismissed. R. P. dismissed.

