
(1998) 12 NCDRC CK 0022

In the National Consumer Disputes Redressal Commission

NIRMAL KHADI GRAM UDYOG SAMITI

APPELLANT

Vs

Oriental Bank of Commerce

RESPONDENT

Date of Decision : 24-12-1998

Acts Referred:

Citation : 1999 1 CLT 330 : 1999 1 CPC 388 : 1999 3 CPJ 113

Hon'ble Judges : M.R.Agnihotri , Sushil Paul J.

Final Decision : Appeal allowed with costs

Judgement

1. COMPLAINANT M/s. Nirmal Khadi Gram Udyog Samiti has come up in appeal alleging the deficiency in service on the part of Oriental Bank of Commerce and the State Bank of India and others in the matter of releasing of the claim and on account of damage to their goods as suffered by them, has been dismissed.

2. ACCORDING to the complainant it deals in Khadi and had sent Khadi worth Rs. 13,060/- to Andhra Pradesh on 29.3.1996. Hundi was entrusted by the complainant to the Oriental Bank of Commerce, Karnal-opposite party No. 1 for the realisation of the amount. Complainant received the memo from opposite party No. 3- M/s. Swarajya Sandh De-centralised Unit- consignees about the damage to the goods in transit to the extent of Rs. 616/-, but the respondent Nos. 1 and 2 did not release the payment despite repeated reminders, personal visits, etc. The amount was withheld for two years. Aggrieved of this deficiency in service, complainant approached the District Consumer Forum, Karnal for the recovery of the aforesaid amount of Rs. 13,060/- alongwith interest @ 18% w.e.f. 15.6.1996 alongwith Rs. 20,000/- as compensation. The respondents in their reply almost admitted the factual position and pleaded, that they had credited the amount in favour of the complainant on 25.6.1998 and a further sum of Rs. 1,698/- was credited by way of interest. However enquiries made by the complainant revealed that due to some negligence of the Bank the Hundi was sent to the Delhi Office and onwards without mentioning the details, as a result whereof the amount remained in sundry account for long time.

Despite all this, learned District Consumer Forum, Karnal dismissed the

complaint by observing that there was no mala fides on the part of opposite parties.

3. FEELING dissatisfied the complainant come up in appeal. Learned Counsel for the complainant contended that the entire approach of the District Consumer Forum, Karnal is erroneous, as once the deficiency in service and negligence on the part of the Banks of State Bank of India stood proved, there was no question of mala fides on their parts. There was no further requirement of proving mala fides against them. We entirely agree with the learned Counsel and have no hesitation in allowing the appeal. Consequently, while allowing the appeal, we direct the opposite party Nos. 1 and 2 i.e. Oriental Bank of Commerce and the State Bank of India, to pay to the complainant a sum of Rs. 13,060/- alongwith interest @ 18% w.e.f. 15.6.1996 with compensation for the damage suffered by the complainant society and the mental agony, etc., which are amounting to Rs. 10,000/-. Resultantly, the complaint stands allowed with costs, which are quantified as Rs. 1,000/-. Appeal allowed with costs.