
(1996) 10 NCDRC CK 0043

In the National Consumer Disputes Redressal Commission

POST MASTER, TALLYGUNGE POST OFFICE

APPELLANT

Vs

JITENDRA BHUSAN GHOSH

RESPONDENT

Date of Decision : 28-10-1996

Acts Referred:

Citation : 1997 1 CPJ 592

Hon'ble Judges : A.K.Bhattacharyya , Sunil Kanti Kar , S.Dutta J.

Final Decision : Appeal dismissed

Judgement

1. BY the impugned order, it was directed to the appellants to pay Rs. 500/- as compensation within one month to the complainant in C.D.F. Case No. 72 of 1994 passed by the learned District Forum, Calcutta.

2. THE fact of the case is that the complainant/respondent deposited Rs. 25,000/- in joint account with his wife Anjali at Bhagalpur Head Post Office and the said account was transferred to Garia Post Office, District South 24 Parganas and was re-numbered as 621219. On maturity, the complainant applied on 1.4.93 for encashment of the said fixed deposit receipt but the appellants did not take any action till 6th September, 1993 while the complainant/respondent cancelled his application dated 1.4.93 due to said delay of about six months to process the refund against fixed deposit of Rs. 25,000/-. The contention of the appellants is that the complainant/respondent is not a consumer inasmuch as he did not hire the service of the appellants by depositing Rs. 25,000/-. The respondent contended that he is a consumer by making fixed deposit of Rs. 25,000/- in view of the re-investment of the said sum of Rs. 25,000/- by the appellants in order to earn money out of it and the said earning of the appellants is the consideration out of the fund deposited on behalf of the complainant/respondent. We, therefore, hold that the complainant/ respondent is a consumer as defined under Section 2(d) of the Consumer Protection Act and the dispute raised by him is a Consumer Dispute.

We dismiss the appeal on contest and reaffirm the order dated 31.8.94 passed in C.D.F. Case No. 72/94 by the learned District Forum, Calcutta.

3. THE appellants must comply with the order passed by the learned District Forum, Calcutta within 15 days from the date of communication of this order. Appeal dismissed.