

(2014) 04 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

Pramod Kumar Mohapatra

APPELLANT

Vs

State Bank Of India Chhitana

RESPONDENT

Date of Decision : 30-04-2014

Acts Referred:

Citation : 2014 0 NCDRC 231 : 2014 2 CPJ 629

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Advocate : MAHALING PANDARGE

Judgement

1. THIS revision petition has been filed by the petitioner against the order dated 10.04.2013 passed by the Orissa State Consumer Disputes Redressal Commission, Cuttack (in short, "the State Commission ") in Revision Petition No. 23 of 2013 - State Bank of India Vs. Pramod Kumar Mohapatra by which, interim order passed by learned District Forum was modified.

2. BRIEF facts of the case are that complainant/petitioner after obtaining loan of Rs.4,92,000/- from OP/respondent purchased tractor. This amount was to be paid in 18 half -yearly installments of Rs.27,333/- . The purchased tractor was hypothecated with OP. Complainant failed to deposit installments even after notice and in such circumstances, tractor was seized on 18.1.2013 by OP and the outstanding dues from the complainant were Rs.5,83,073/- with interest upto 30.11.2011. Learned District Forum passed interim order and directed OP to release tractor and trolley within 7 days. OP filed revision petition against the order of District forum which was modified by learned State Commission by impugned order against which, this revision petition has been filed. Heard learned Counsel for the petitioner at admission stage and perused record.

3. LEARNED Counsel for the petitioner submitted that learned State Commission committed error in directing to release only tractor, whereas trolley was also seized and further committed error in directing complainant to deposit Rs.80,000/- with the OP; hence, revision petition be allowed and impugned order be set aside.

4. PERUSAL of record reveals that only tractor was seized by OP and trolley was not seized and apparently, District Forum committed error in directing OP to release tractor along with trolley. Not only this, Counsel appearing for complainant fairly conceded before the State Commission that District Forum ought to have asked the complainant to pay some amount and he was not in a position to pay more than Rs.80,000/- at that time. Learned State Commission directed complainant to pay amount of Rs.80,000/- and to make payment of rest of the amount in installments and in such circumstances, it can be said that the order passed by learned State Commission is in accordance with law. By this order, the learned State Commission rather exercised discretion in favour of the complainant by allowing him to make payment in installments; even then, petitioner has filed this revision petition without any justification.

5. WE do not find any illegality, irregularity or jurisdictional error in the impugned order, which calls for any interference and revision petition is liable to be dismissed. 8. Consequently, revision petition filed by the petitioner is dismissed at admission stage with no order as to costs.