
(2002) 11 NCDRC CK 0037

In the National Consumer Disputes Redressal Commission

PRINCIPAL, GURUNANAK GIRLS COLLEGE

APPELLANT

Vs

PUNJAB AND SIND BANK

RESPONDENT

Date of Decision : 27-11-2002

Acts Referred:

Citation : 2003 1 CPJ 171

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , B.K.Taimni J.

Final Decision : Appeal dismissed

Judgement

1. IT is the complainant who is in appeal before us. Her claim for compensation amount to Rs. 12,77,299/- and Rs. 20,000/- towards litigation expenses against the respondent was dismissed by the State Commission.

2. IN the complaint it was stated that Gurunanak Girls College, Ludhiana of which the complainant was the Principal was being run by Trust and that under different resolutions of the Trust there were two separate accounts opened in the respondent-Bank. There were seven accounts which were opened by the College in the Bank under different heads and were operated only by the Principal. These different accounts pertain to : (i) Principal G.N.G.C., (ii) N.S.S. Fund, (iii) U.G.C., (iv) College Bus A/c, and then there were three different currents (i) Staff Salary, (ii) Fee Reimbursement and (iii) Student scholarship. Operation of these accounts were stopped by the Bank on a complaint received from some rival body of the Trust managing the college. This caused great loss to the Principal and she, therefore, sought compensation as aforesaid. It is not clear from the impugned order of the State Commission as to how alleged loss amounting Rs. 12,77,299/- caused by the Bank was arrived at though this was for not allowing the complainant to operate the Bank account. Admittedly these seven accounts were being operated by the Principal of the college. However, the stand of the Bank was on intimation received from the Trust stopped the operation of the accounts as it would appear there was a dispute in the management of the Trust. This led the Bank to file a civil writ petition in the Punjab and Haryana High Court which was dismissed with a direction to the Bank to file a civil suit. In the writ petition

trustees were also impleaded as parties. Bank also alleged that civil suit was pending and when orders were obtained immediately operation of the accounts by the Principal was allowed. State Commission was of the view that since the matter was already pending before the Civil Court it was not appropriate to go into the disputed questions in summary proceedings. State Commission was also of the view that even if a consumer dispute has been raised it could not be held that Bank was deficient in rendering service in not allowing the complainant to operate the Bank account for some time. It was observed that the Bank acted on the advice of one group of the trustees and when a decision was rendered in favour of the other group complainant was allowed to operate the Bank accounts. Complaint was, therefore, dismissed.

Aggrieved, the complainant has come before us. It is submitted before us that the Trust had a separate Bank account and it had nothing to do with the operation of the accounts opened in the name of the Principal, Guru Nanak Girls College and operated by the Principal. By just receiving a communication from one group of trustees operation of the seven accounts could not have been stopped as there was question of payment of salary to the staff and other expenses to be incurred for running the college. Reference was also made to the Punjab University Calendar-II where the funds could not be amalgamated. Prima facie, therefore, it appears to us for that Bank was wrong in stopping the operation of the accounts operated by the Principal. It was certainly a mistake on the part of the Bank and must have caused a great deal of anguish and harassment to the Principal but then Bank was under a bona fide belief that it could stop the operation to save itself any claim by any party. It was certainly a mistake on the part of the Bank in stopping the operation of the Bank accounts but then every mistake cannot be necessarily stated to be deficiency in service. We would, therefore, agree with the view taken by the State Commission and dismiss the appeal. Appeal dismissed.