
(2022) 01 TDSAT CK 0045

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : Cyber Appeal 9 Of 2021

Punjab National Bank

APPELLANT

Vs

Green Environmental Technology Through Its Proprietor Mr.
Mukesh Kaore Adn Anr

RESPONDENT

Date of Decision : 18-01-2022

Acts Referred:

Citation : (2022) 01 TDSAT CK 0045

Hon'ble Judges : Shiva Kirti Singh, Chairperson; Subodh Kumar Gupta, Member

Bench : Division Bench

Advocate : Prashant Kumar, Yashdeep Chaturvedi , Advait Ghosh

Final Decision : Disposed Of

Judgement

Heard learned counsel for appellant bank, learned counsel for respondent no. 1, the complainant and Authorised Representative for respondent no.

2, BSNL.

Today, the matter has been heard in respect of interim relief sought by the appellant.

Learned counsel for the appellant has referred to the complaint petition as well to the discussions made in the impugned order and on that basis he

submits that major allegation of fraud is against BSNL and except for a circular of RBI creating a duty upon the bank in some circumstances, to

refund the money lost by fraud, no other finding is against the appellant. His submission is that in the last part of the order of learned Adjudicating

Officer has erred in directing the bank alone to share the entire liability which was subject matter of fraud and has erred in not fixing such

liability and issuing appropriate directions upon BSNL even if it is held that

the complainant was not at fault and has not contributed to the negligence.

Prima facie, the aforesaid submission cannot be used to deprive the complainant of the benefit of the order even if there is a distinct probability that the liability created upon the bank may have to be shared by the BSNL as well.

In such circumstances, BSNL is put to notice to meet the aforesaid case of the appellant by filing appropriate reply, which shall be considered

at the stage of final hearing. The complainant respondent no. 1 should also file his reply keeping in view the aforesaid submissions. Replies may be filed within six weeks, as prayed.

So far as interim prayer is concerned, in view of RBI circular and findings given by the learned AO, it is deemed just and proper that the decretal

amount awarded against the appellant bank be deposited in an interest bearing bank account by the Registrar of TDSAT and for that purpose

appellant bank is granted four weeks' time to deposit the money with the Registrar of TDSAT. Such deposit alongwith interest shall abide by final

order in this appeal. If such deposit is made within the time granted, the Court of learned AO shall not proceed with any execution application which

may be filed for realisation of the decretal amount. This interim arrangement shall continue during the pendency of the appeal. The interim prayer is

disposed of accordingly.

Post the matter before the Court of Registrar on 10.3.2022 for passing necessary orders and directions to make the appeal ready for hearing.