(2013) 01 NCDRC CK 0025

In the National Consumer Disputes Redressal Commission

Rajasthan Khadi And Gramudhyoug Board APPELLANT

Vs

Manvendra Dev RESPONDENT

Date of Decision : 23-01-2013

Acts Referred:

Citation : 2013 0 NCDRC 368 : 2013 1 CPR 365

Hon'ble Judges : V.B.GUPTA , K.S.CHAUDHARI J.

Final Decision : Petition dismissed

Judgement

1. THIS revision petition has been filed by the petitioner against the impugned order dated 14.06.2011 passed by the Rajasthan State Consumer Disputes Redressal Commission, Jaipur (in short, ''the State Commission '') in Appeal No. 2173 of 2008 - Manvendra Dev and Ors.v. Rajasthan Khadi and Gramudhhyoug Board and Anr. by which while accepting appeal set aside the order of learned District Forum and allowed complaint against OP Nos. 3 and 4.

2. BRIEF facts of the case are that complainant/Respondent No.1 submitted application for loan with petitioner/OP NO. 4 under KVIC project for Bees Farming Industries and petitioner/OP-4 recommended sanction of loan for Rs.2,63,200/- to the OP Nos. 1 and 2/Respondents No. 2 and 3 and also approved that on payment of the first instalment of the loan, 30% of the total loan by way of margin money will be deposited in term deposit. Opposite party sanctioned loan of Rs.2,00,000/- and it was incumbent upon the opposite party No. 2-Bank to inform OP No. 4/petitioner and demand 30% of the margin money which they failed and in such circumstances, claiming deficiency on the part of opposite parties filed complaint with a prayer/direction to Opposite party to deposit Rs.78,960/- along with interest. Opposite party resisted claim and filed their reply. Learned District Forum after hearing both the parties dismissed complaint against which this revision petition has been filed. Heard Learned Counsel for the petitioner and respondents no. 3 and 4. None appeared for the complainant/ respondent no. 1.

3. LEARNED Counsel for the petitioner submitted that as no information was

given by the bank authorities to the petitioner, margin money could not have been released and learned State Commission has committed error in allowing complaint against them, hence, petition be accepted and impugned order be set aside. On the other hand, learned Counsel for the respondent submitted that order passed by the learned State Commission is in accordance with law, hence, petition be dismissed.

4. PERUSAL of complaint reveals that complainant has mentioned in para 3 of the complaint that by letter dated 15.3.2004 the bank informed OP. OP Nos. 3 and 4 also admitted this fact in para 3 of its written statement but further alleged that claim for grant was not submitted in prescribed form along with other documents, hence, amount was not paid. Perusal of record reveals that by letter dated 25.6.2003, Annexure R-2/1 petitioner/OP requested Respondent/OP Bank to sanction loan and intimate so that OP may proceed for payment of margin money. In this letter this fact has not been mentioned that intimation was to be sent in any prescribed form. Once, bank authorities informed to the petitioner about disbursement of loan, it was obligatory on the part of OP to process margin money and pay and if any intimation was required in prescribed prorforma, OP/petitioner should have informed to the bank authorities which has not been done. As Opposite party/Respondent Nos. 2 and 3 intimated to the petitioners in time about disbursement of loan, it was obligatory on the part of the petitioner to disburse margin money in the account of complainant and learned State Commission has not committed any error in passing impugned order. As there is neither any illegality nor irregularity in the impugned order which calls for interference, revision petition is liable to be dismissed.

5. CONSEQUENTLY , revision petition filed by the petitioner is dismissed with no order as to costs. Revision Petition dismissed.