
(2004) 09 NCDRC CK 0086

In the National Consumer Disputes Redressal Commission

RAM PIARI KAPOOR CHARITABLE TRUST

APPELLANT

Vs

Punjab National Bank

RESPONDENT

Date of Decision : 24-09-2004

Acts Referred:

Citation : 2004 4 CPJ 346 : 2005 1 CLT 129

Hon'ble Judges : Rumnita Mittal , Mahesh Chandra J.

Advocate : S.K.Mehra , Kukta Kapoor , B.S.Singh , R.P.Singh Paul

Final Decision : Dismissed

Judgement

1. THE present complainant has been filed on behalf of Smt. Ram Piari Kapoor Charitable Trust through its Chairman Brig. J.M. Kapoor against Punjab National Bank, F-16, Preet Vihar Branch, New Delhi for deficiency in service by freezing the account of the trust and thereby causing inconvenience and harassment to the trustees.

2. THE facts of the case in brief are that a trust was created by Shri R.D. Kapoor in the name of his wife vide trust deed dated 2.4.1990. THE trust is running a Homeopathic dispensary also. After the death of the author of the trust Shri R.D. Kapoor on 11.11.1993 Brig. J.M. Kapoor was appointed as Chairman vide resolution dated 5.1.1995. THE complainant trust opened an account No. 23469 in the O.P. Bank and the account was to be operated by the Chairman Brig. J.M. Kapoor only. However, on 6.2.1998 a letter was delivered to the O.P. Bank signed by two trustees Shri M.L. Kapoor and Wg. Cdr. Rajpal Kapoor stating that the mode of operation of the trust account has been changed. On the same day Brig. J.M. Kapoor, Chairman of the trust also delivered a letter to the O.P. Bank intimating that Wg. Cdr. Rajpal Kapoor has been removed from the Trustee Board by the Chairman. It is alleged that the Bank accepted the letter of the Wg. Cdr. Rajpal Kapoor and took cognisance of the said letter even though it was not accompanied by any copy of the resolution. It is further alleged that the Bank officials did not consider the provisions of the Trust Deed. On the basis of these letters the O.P. Bank had frozen the trust account No. 23469. It is alleged that it

was the Chairman of the trust who opened the account and who was operating it but the Bank acting on the letter of other trustees Mr. M.L. Kapoor and Wg. Cdr. Rajpal Kapoor had frozen the account of the trust. It is alleged that the Bank should not have taken cognisance of the letter of Shri M.L. Kapoor. THE O.P. Bank after about 8 months sent a letter dated 20.10.1998 to the Chairman of the trust that the Chairman should obtain a Court order for de-freezing the account. Hence alleging negligence, carelessness and deficiency in service the present complaint has been filed with the request for a direction to the O.P. Bank to de-freeze the saving account No. 23469 and also pay damages of Rs. 5 lakhs for paralysing the functioning of the trust and for mental harassment and hardship along with cost of litigation. The O.P. Bank in its reply stated that the Bank account was frozen to safeguard the interest of the members of the trust and because there were contradictory claims regarding the functioning of the trust and none of the parties filed any resolution of the trust board and that is why it asked the complainant and other parties to settle the dispute among themselves or bring some Court order so that the operation of the account could be allowed by authorised persons.

We have heard both the parties and have carefully considered the material on record. From a bare perusal of the complaint and the written statement filed by the O.P., it is apparent that it is mainly a dispute between the Chairman of the complainant trust on one side and other two trustees on the other side regarding the operation of the Bank account. On one side the Chairman of the trust Brig. J.M. Kapoor asserted that he alone was authorised to operate the account whereas two other trustees have informed the Bank that the mode of operation of the account has been changed. Under these circumstances the action of the O.P. Bank in freezing the Bank account of the trust, till the dispute is settled between the trustees, cannot be stated to be an illegal one and there is no deficiency in service. In fact the dispute is among the various trustees which can be resolved by the Civil Court only and no consumer dispute is involved in it so as to invoke the jurisdiction of this Commission. The Bank has frozen the account in the interest of the trust and has requested the parties to either settle their dispute or to bring some order from the Court. From the above it is clear that it is not a consumer dispute and also there was no deficiency on the part of the O.P. Bank in freezing the account of the trust as there was a dispute among the trustees regarding the operation of the Bank account. In view of the above the complaint is liable to be dismissed. Considering the circumstances of the case parties to bear their own cost. Complaint is dismissed accordingly. Complaint dismissed.