

(1997) 10 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

RAMBHA CO-OP.CREDIT And SERVICE SOCIETY

APPELLANT

Vs

Mittar Sain

RESPONDENT

Date of Decision : 28-10-1997

Acts Referred:

Citation : 1998 1 CLT 586 : 1998 3 CPJ 414

Hon'ble Judges : M.R.Agnihotri , Sushil Paul J.

Final Decision : Appeal dismissed

Judgement

1. THE Rambha Co-operative Credit and Service Society Ltd. has come up in appeal against the order dated 7th December, 1995 passed by learned District Forum, Karnal, whereby complaint of Mittar Sain one of its members has been allowed against the Co-operative Society with the direction that the Society shall pay compensation of Rs. 1,500/- to the complainant alongwith Rs. 500/- as costs of litigation and shall disburse loan applied for by him according to rules.

2. COMPLAINANT approached the District Forum, Karnal with the grievance that even though he was a member of the appellant-Co- operative Society and had shares worth Rs. 2,090/-, yet crop loan to the tune of Rs. 20,900/- had not been released to him. This resulted into the failure of his crop due to paucity of funds at his end for which he was entitled for adequate compensation. In reply, the Society pleaded that the complainant was not cultivating 10 acres of land as alleged by him and the maximum crop limit of the complainant was of 2 acres of land and the Society had never refused to advance crop loan or fertilizer loan to the complainant. After examining the evidence produced by the parties the learned District Forum came to the conclusion that the complainant being a member of the Co-operative Society was certainly entitled to the benefit of loan from the Co-operative Society and non-grant of loan was deficiency in service. However, regarding the quantum of compensation the learned District Forum found claim of Rs. 40,000/- as wholly exaggerated and instead ordered grant of Rs. 1,500/- as compensation. In the appeal filed by the Co-operative Society the learned Counsel for the appellant has vehemently contended that the direction

issued by the learned District Forum for disbursement of loan and for grant of compensation etc. was not based on any evidence at all and the Co- operative Society was not liable to release the same. We are not satisfied with the contention of the learned Counsel as it has been proved on the record that the complainant was a member of the Co-operative Society and was in possession of its shares having deposited the amount there for since long. Not only that, he has in fact been receiving such loan for the crop and fertilizer etc. in the past also. So far as the amount of compensation awarded by the learned District Forum is concerned, we are in complete agreement with the approach of the District Forum and do not find any legal infirmity in the amount awarded. Consequently, the appeal is dismissed with no order as to costs. Appeal dismissed.