
(2003) 01 NCDRC CK 0110

In the National Consumer Disputes Redressal Commission

Case No : 139 and 206 of 2001

Shiv Dial Sud and Sons

APPELLANT

Vs

State Bank of Patiala

RESPONDENT

Date of Decision : 29-01-2003

Acts Referred:

Citation : 2003 3 AWC 124

Hon'ble Judges : J.K. Mehra, Rajpalakshmi Rao, B.K. Taimni, K.S. Gupta

Judgement

1. In these cases, a cheque for U.S.D. 14,000 was presented to the respondent No. 1, State Bank of Patiala, Ambala Branch on 16.3.1998. The bank on its turn sent the cheque for collection to Marine Midland Bank, who gave the respondent credit for that amount in the account and the resulting credit was given to the complainant-appellant on 29.4.1998. However, on presentation the said cheque got dishonoured for various discrepancies noticed at page 37 of the paper-book and the discrepancies are of such nature that the cheque was returned as a forged document. The Marine Midland Bank deposited the cheque on 18.6.1998 with the amount of the cheque and this debit was conveyed to the foreign branch of the respondent on 19.6.1998 but they took time till 6.8.1998. It is not at all explained as to why it took the foreign branch of the respondent-opposite party so much time from 19.6.1998 till 6.8.1998 to debit their own Ambala Branch. Such delays in international trade cannot -but be viewed as a very serious matter and it is on that account that the State Commission had awarded compensation of Rs. 25,000 in favour of the complainant and also awarded costs of Rs. 2,500. In case of delay in payment beyond one month, this amount was directed to carry interest at the rate of 9 per cent per annum. On the other hand, we do sympathise because they had parted with goods on receiving credit for that U.S.D. cheque and by the time their account was debited on dishonour of cheque on the ground of it being forged, they had no control left over the goods. Nevertheless, they can take appropriate proceedings against the buyers abroad for the recovery of the amount.

2. We consider that the State Commission has taken a balanced view in the matter. Therefore, there does not appear to be any ground for interference in the said order. However, we feel that the appellant in Appeal No. 139 of 2001 would be entitled to costs for prosecuting this case before this Commission and the appellant in Appeal No. 206 of 2001 will also be entitled to costs which we quantify at Rs. 5,000 payable by State Bank of Patiala in each case. In the light of the above discussion, the first appeals are disposed of in the above terms.