(2016) 02 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

Case No : 1070 of 2015

SPICEJET LTD. & ANR. APPELLANT

Vs

ASHISH GUPTA RESPONDENT

Date of Decision : 01-02-2016

Acts Referred:

Citation : 2016 2 CPR 94

Hon'ble Judges : V.B. Gupta, Prem Narain

Advocate : Maibam N. Singh, Vijay Goyal

Judgement

1. Heard.

2. Respondent/Complainant filed a complaint against the Petitioners/Opposite Parties, on the ground that he booked two tickets with the petitioners by paying Rs.10,094/- for travelling from Chandigarh to Srinagar on 07-07-2014 and for returning on 14-07-2014. Subsequently, he requested the petitioners to cancel the tickets due to urgent domestic work. The petitioners informed him, that tickets could not be cancelled due to incomplete information furnished by him regarding his bank account. Therefore, complainant decided to travel on 07-07-2014. However, on reaching airport he found that his tickets were cancelled. Thus, complainant had to make a fresh booking by paying Rs.19,906/-. Respondent requested the petitioners to refund Rs.19,906/- but to no avail. Being aggrieved, complaint was filed before the District Forum.

3. Petitioners contested the consumer complaint.

4. District Forum, vide order dated 14-01-2015 allowed the complaint. It directed the petitioners to refund Rs.19,906/- to the respondent with compensation of Rs.10,000/- towards mental and physical harassment and cost of Rs.10,000/-.

5. Being aggrieved, petitioners filed appeal before the State Commission, which dismissed the same.

6. Hence, this revision petition.

7. The award amount involved in this complaint is Rs.19,906/- only. This complaint was filed in August, 2014. About one and half years have lapsed. So, keeping in view the principle of law laid down by Hon''ble Supreme Court in Gurgaon Gramin Bank Vs. Khazani & Anr., IV (2012) CPJ 5 (SC) , as paltry amount is involved, we are not inclined to entertain this petition.

8. In Gurgaon Gramin Bank (supra) the Apex Court observed;

" 2. Number of litigations in our country is on the rise, for small and trivial matters, people and sometimes Central and State Governments and their instrumentalities Banks, nationalized or private, come to courts may be due to ego clash or to save the Officers'' skin. Judicial system is over-burdened, naturally causes delay in adjudication of disputes. Mediation centers opened in various parts of our country have, to some extent, eased the burden of the courts but we are still in the tunnel and the light is far away. On more than one occasion, this court has reminded the Central Government, State Governments and other instrumentalities as well as to the various banking institutions to take earnest efforts to resolve the disputes at their end. At times, some give and take attitude should be adopted or both will sink. Unless, serious questions of law of general importance arise for consideration or a question which affects large number of persons or the stakes are very high, Courts jurisdiction cannot be invoked for resolution of small and trivial matters. We are really disturbed by the manner in which those types of matters are being brought to courts even at the level of Supreme Court of India and this case falls in that category ."

The Apex Court further held;

"10 . The Chief Manager stated in the affidavit that no bill was raised by the counsel for the bank for conducting the matter before the National Consumer Dispute Redressal Commission. We have not been told how much money has been spent by the bank officers for their to and fro journeys to the lawyers'' office, to the District Forum, State Forum, National Commission and, to the Supreme Court. For a paltry amount of 15,000/-even according to the affidavit, bank has already spent a total amount of 12,950/- leaving aside the time spent and other miscellaneous expenses spent by the officers of the bank for to and fro expenses etc. Further, it may be noted that the District Forum had awarded 3,000/-towards cost of litigation and compensation for the harassment

caused to Smt. Khazani. Adding this amount, the cost goes up to 15,950/-. Remember, the buffalo had died 10 years back, but the litigation is not over, fight is still on for 15,000/-.

11. Learned counsel appearing for the bank, Shri Amit Grover, submitted that though the amount involved is not very high but the claim was fake and on inspection by the insurance company, no tag was found on the dead body of the buffalo and hence the insurer was not bound to make good the loss, consequently the bank had to proceed against Smt. Khazani.

12 . We are of the view that issues raised before us are purely questions of facts examined by the three forums including the National Disputes Redressal Commission and we fail to see what is the important question of law to be decided by the Supreme Court. In our view, these types of litigation should be discouraged and message should also go, otherwise for all trivial and silly matters people will rush to this court.

13 . Gramin Bank like the appellant should stand for the benefit of the gramins who sometimes avail of loan for buying buffaloes, to purchase agricultural implements, manure, seeds and so on. Repayment, to a large extent, depends upon the income which they get out of that. Crop failure, due to drought or natural calamities, disease to cattle or their death may cause difficulties to gramins to repay the amount. Rather than coming to their rescue, banks often drive them to litigation leading them extreme penury. Assuming that the bank is right, but once an authority like District Forum takes a view, the bank should graciously accept it rather than going in for further litigation and even to the level of Supreme Court. Driving poor gramins to various litigative forums should be strongly deprecated because they have also to spend large amounts for conducting litigation. We condemn this type of practice, unless the stake is very high or the matter affects large number of persons or affects a general policy of the Bank which has far reaching consequences.

14. We, in this case, find no error in the decisions taken by all fact finding authorities including the National Disputes Redressal Commission. The appeal is accordingly dismissed with cost of 10,000/- to be paid by the bank to the first respondent within a period of one month. Resultantly, the Bank now has to spend altogether 25,950/- for a claim of 15,000/-, apart from to and fro travelling expenses of the Bank officials. Let God save the Gramins ."

9. Above quoted judgment is fully applicable to the facts and circumstances of the present case.

10. Accordingly, we are not inclined to entertain this petition, since paltry amount of Rs.19,906/- only is involved in this case and this litigation is going on for about last one and half years. Furthermore, there are concurrent findings of fact given by both the fora below.

11. However, the question of law raised in this petition is left open to be decided in an appropriate case, where stakes are high and amount involved is substantial. However, petitioners shall be entitled to adjustment of amount remitted to the respondent, if any.

12. With these observations, present revision petition stands disposed of.

13. Dasti to both parties.