(2004) 10 NCDRC CK 0069

In the National Consumer Disputes Redressal Commission

STATE BANK OF BIKANER AND JAIPUR APPELLANT

Vs

AJIT SINGH RESPONDENT

Date of Decision : 14-10-2004

Acts Referred:

Citation : 2005 1 CPC 601 : 2005 1 CPJ 270

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

Final Decision : Appeal dismissed

Judgement

1. -THESE appeals have arisen from the order dated 29.5.1998 passed by District Forum-III, Janak Puri, New Delhi in Complaint Case Nos. 746/1997 and 747/1994 entitled Shri Ajit Singh v. State Bank of Bikaner & Jaipur and Shri Satish Kumar v. State Bank of Bikaner & Jaipur, respectively whereby the appellant was directed to pay Rs. 75,000/- to the complainant Shri Ajit Singh (Case No. 746/97 along with interest @ 18% w.e.f. 24.12.1993) and Rs. 30,000/- (Case No. 747/97) to Shri Satish Kumar along with interest @ 18% w.e.f. 3.10.1994 respectively as the aforesaid amounts were unauthorizedly withdrawn from their Saving Bank Accounts.

2. THE Counsel for the appellant has confined his arguments to the point that where the allegations against the Bank are of fraud and conspiracy which require investigation by the police, the dispute does not fall within the ambit of consumer dispute. We are not inclined to accept this contention as the remedy available to the consumer is an independent remedy whereas the allegations of fraud found on investigation by the police and leads to full dress criminal trial. In the instant case, two vouchers were issued bearing signatures of the aforesaid respondents. By not taking adequate and sufficient care in comparing the signatures of the respondent appearing on the account opening card available with the appellant-Bank, clearly amounts to deficiency in service. It is difficult to show whether any fraud was committed by the officials of the appellant or the drawer of the money from the accounts of the respondents unless there is a large scale conspiracy. Insofar as the consumer is concerned, he is entitled to credit of the amounts, if

any, unauthorisedly withdrawn. We do not find any merit in the appeal and dismiss the same by modifying the rate of interest from 18% to rate which was available at the relevant time in respect of Saving Bank Accounts. A copy of this order, as per the statutory requirements, be forwarded to the parties, free of charge and also to the concerned District Forum and thereafter the file be consigned to the record room. Appeal dismissed.

