(2007) 02 NCDRC CK 0062

In the National Consumer Disputes Redressal Commission

State Bank of India APPELLANT

Vs

NIRAKAR SAHOO GENERAL MANAGER RESPONDENT

Date of Decision : 01-02-2007

Acts Referred:

Citation : 2007 1 CPJ 355

Hon'ble Judges : M.B.Shah , Rajyalakshmi Rao J.

Final Decision : Revision Petition disposed of

Judgement

1. BEING aggrieved and dissatisfied by the judgment and order dated 3.5.2001 passed by the State Consumer Disputes Redressal Commission, Orissa, at Cuttack in Appeal No. 161 of 1999, the State Bank of India, Gobindpur Branch, Orissa, has preferred this revision petition.

2. WE have to state that the welfare schemes framed by the Central Government are being frustrated by various dubious or callous means adopted by the concerned officers either of the Government or of the nationalised banks including the State Bank of India. In the present case, under Prime Minister Rozgar Yojana Scheme (PMRYS) the un-employed youth who apply for loans were to be sanctioned loans, so that they could be established in their life. For grant of loan, applications were required to be routed through the General Manager, District Industries Centre. Complainant applied for the said loan and his case was recommended by the General Manager, District Industries Centre, Dhenkanal to the petitioner-Branch on 2.3.1998. On one or other pretext the complainant was required to approach the officers who finally refused to sanction the loan. Hence, the petitioner filed Consumer Dispute Case No. 33 of 1998 before the District Consumer Disputes Redressal Forum, Dhenkanal. By order dated 7.1.1999, the District Forum arrived at the conclusion that the petitioner was bound to implement this scheme as directed by the Central Government and sanction the loan on the basis of the recommendations made by the concerned officer of District Industries Centre.

The District Forum specifically noted that the contention of the bank that the complainant wanted to change the trade was without any substance and the petitioner Bank has failed to produce any document or application made by the complainant for changing the trade, i.e. to purchase a TATA-407 Truck, as against the purchase of an Auto Rickshaw for which he had originally applied for and for which the loan was sanctioned.

3. AGAINST this order, the petitioner preferred an appeal before the State Commission. The State Commission also arrived at the conclusion that complainant''s application for disbursement of loan was rejected for unjustifiable reasons and that there was no scrap of paper filed by the bank to sustain the plea that the complainant wanted to change the nature of trade for which he had applied for the loan. In this revision petition filed by the bank, learned Counsel appearing for the petitioner submitted that the District Forum ought not to have issued direction to the bank to disburse the loan. In our view, the submission requires to be rejected on the ground that on the basis of the recommendation made by the General Manager, District Industries Centre, loan was sanctioned by the bank. Delay was in disbursement of the said loan for one or other pretext. Further, the bank was the implementing agency of the Prime Minister Rojgar Yojana. As per the scheme, loan was to be disbursed on the basis of the recommendations made by the concerned Manager of the District Industries. That has been done in the present case. Complainant is a beneficiary of the said scheme. Hence, it cannot be said that the complaint was not maintainable.

4. LEARNED Counsel for the petitioner further submitted that the complainant cannot be held to be a consumer. In our view, this submission is also without any substance. The State Commission has rightly held that for the loan which was sanctioned to the complainant, the bank was to recover interest and the loanee would be a consumer and that the complainant is beneficiary of such scheme and, therefore, the complaint under the Consumer Protection Act, 1986 was maintainable. However, considering the fact that the said scheme is now over, at present, it would be difficult for us to give any direction to release the loan as directed by the District Forum. In these set of circumstances, we direct the petitioner to pay a compensation of Rs. 10,000 to the complainant. The order passed by the District Forum is modified accordingly. Revision Petition disposed of.