

(2008) 01 NCDRC CK 0079

In the National Consumer Disputes Redressal Commission

STATE BANK OF INDIAN

APPELLANT

Vs

JAGAT PARKASH RANA

RESPONDENT

Date of Decision : 07-01-2008

Acts Referred:

Citation : 2008 2 CPJ 190

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

Final Decision : Appeal allowed

Judgement

1. -ON account of having wrongly dishonoured the cheque of the respondent due to insufficient fund, the appellant-Bank has been vide impugned order dated 29. 7. 2005, passed by the District Forum directed to pay Rs. 1,000 as compensation and Rs. 500 as cost of litigation to the respondent.

2. FEELING aggrieved the appellant has preferred this appeal. The allegations of the respondent leading to the impugned order were that he deposited Rs. 10,000 in his account on 17. 2. 2003 and he was expecting a cheque of Rs. 10,550 to be presented in his account and after deposit of the cash of Rs. 10,000 on 17. 2. 2003 the balance in the account of the respondent stood at Rs. 15,657. 79. He approached the bank and was told at about 3. 30 p. m. that the cheque of Rs. 10,550 has been returned back unpaid and further deduction of Rs. 50 has been made from his account. He has prayed that the appellant may be directed to pay Rs. 2,00,000 as compensation with interest at the rate of 10% per annum from the date of passing of the award till actual payment.

As against this the appellant-bank denied that the cheque was deposited in the earlier hours of 10. 30 a. m. as their computer shows that the cheque was deposited after 12. 00 noon on 17. 2. 2003 and on that day the balance in the respondent's account was Rs. 5,067. 59 instead of Rs. 15,067. 79.

3. THERE is no dispute that as per statement of the appellant-bank the respondent had deposited Rs. 10,000 in cash on 17. 2. 2003 and had issued a cheque of Rs. 10,500 which was dated 15. 1. 2003 and was given to the

beneficiary. In our view the deficiency on the part of the service provider like the bank should be such which should be of administrative nature and not on account of established procedure and practice.

4. IF a person deposits cash of Rs. 10,000 on a particular day and the person in whose favour he had issued cheque much before deposits the cheque on the same day, it cannot be expected that the officials of the bank would go on making immediate entry in the account as to the deposit of cash amount by a consumer. It is at the end of the day that the statements are reconciled and the entries are made and if in the intervening period cheque is presented by a beneficiary through clearing and amount of the cheque is found more than what was shown in the ledger on the said date in the morning hours the dishonouring of the cheque cannot be held as a deficiency in service. Foregoing reasons persuade us to allow the appeal and set aside the impugned order. Appeal is allowed to the aforesaid extent.

5. F. D. R. /bank Guarantee, if any, furnished by the appellant be returned forthwith after completion of due formalities.

6. 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 Record Room. Appeal allowed.