
(2004) 10 NCDRC CK 0100

In the National Consumer Disputes Redressal Commission

SUNIL AGGARWAL

APPELLANT

Vs

CITI BANK

RESPONDENT

Date of Decision : 21-10-2004

Acts Referred:

Citation : 2005 1 CPJ 439

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

Final Decision : Appeal allowed

Judgement

1. -FEELING aggrieved of the order dated 5.10.1995 passed by the District Forum whereby the complaint seeking recovery of Rs. 15,068/- from the respondent Bank on account of charges towards penal interest and charges for bouncing of cheque was dismissed with the liberty to the appellant to seek remedy in the Civil Court, the appellant has preferred this appeal.

2. FACTS are not in dispute. The appellant obtained a loan of Rs. 85,407/- from the respondent Bank for the purchase of a vehicle which was repayable in 36 monthly instalments. Admittedly in total the appellant paid Rs. 1,08,929/- to the respondent Bank but as per statement dated 26.2.1992 furnished by the respondent Bank it received only Rs. 1,02,897/- i.e., short by 2 instalments which discrepancy was later on explained by the complainant to the respondent Bank as the respondent Bank had not accounted for the balance amount of Rs. 10,000/- + Rs. 10,000/- - Rs. 10,210/- paid on 16.3.1989 and 12.1.1990 and Rs. 10,002/- paid on 12.1.1990 and Rs. 2,200/- paid on 4.1.1991 which covered 14 instalments instead of 12 instalments. Inspite of having explained the discrepancy the respondent Bank charged Rs. 15,068/- on account of penal interest and cheque bouncing charges. Since the appellant required a "No Objection Certificate" from the respondent Bank he was forced to deposit the aforesaid amount and later on approached the District Forum for recovery of the said amount on account of deficiency in service.

As is apparent the amount of Rs. 15,068/- was claimed by the respondent on account of penal interest and bouncing of cheques for non payment of two

instalments, the entry for which was inadvertently not accounted for by the respondent Bank. As such the appellant is entitled to recover the said amount from the respondent and is also entitled to compensation on account of harassment and mental agony as he waited for long ten years to recover this amount from the respondent.

3. IN the result, we allow the appeal, set aside the impugned order with directions to the respondent to refund the amount of Rs. 15,068/- and also to pay compensation of Rs. 10,000/- towards mental agony and harassment. The FDR, if any furnished by the appellant be returned forth with after completing necessary formalities.

4. A copy of this order as per statutory requirements be forwarded to the parties free of cost and also to the concerned District Forum. The record received from the District Forum may also be returned to the concerned District Forum and thereafter the file be consigned to record room. Appeal allowed.