

(2001) 01 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

SURENDRA KUMAR MISHRA

APPELLANT

Vs

BANK OF BARODA

RESPONDENT

Date of Decision : 31-01-2001

Acts Referred:

Citation : 2001 2 CPJ 68

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the judgment and order dated 30-4.1998 passed by District Consumer Forum, Fatehpur in Complaint Case No. 21 of 1995.

2. THE facts of the case stated in brief are that the complainant has filed the present complaint with the allegation that the amount which is being realised from the complainant through the Recovery Certificate sent to the Tehsildar, Khaga should be stopped and the interest which is being charged at the rate of 12.5% per annum be also stayed. He has also prayed that the Tehsildar be directed not to realise the amount from the complainant. The learned District Consumer Forum, after hearing both the parties and considering the case of both the parties, dismissed the complaint on the ground that an order has already been passed by the Hon'ble High Court on 16.12.1994. It also held that this controversy is beyond the purview of the District Consumer Forum.

Aggrieved against this order, the complainant has come in appeal and has challenged the correctness of the order passed by learned District Consumer Forum.

3. WE have heard the learned Counsel for the appellant as well as respondent. In the present case, the complainant has prayed that the Recovery Certificate which has been issued by the Bank to Tehsildar should be stayed and no interest shall be charged by the Bank. This controversy cannot be raised before the District Consumer Forum or before the State Commission. The remedy lies elsewhere. The complaint has been rightly dismissed by the learned District Forum and no

interference is required in that order. ORDER The appeal is dismissed and the judgment and order of the learned District Forum are confirmed. There will be no order as to cost. Let copy of this order be made available to the parties as per rules. Appeal dismissed.