
(2004) 08 NCDRC CK 0076

In the National Consumer Disputes Redressal Commission

Union of India

APPELLANT

Vs

SUMAN KANWAR

RESPONDENT

Date of Decision : 05-08-2004

Acts Referred:

Citation : 2004 3 CPR 719 : 2004 4 CPJ 244

Hon'ble Judges : M.A.A.Khan , Ratan Prakash J.

Final Decision : Appeal disposed of

Judgement

1. HEARD.

2. SMT. Suman Kanwar, the respondent-complainant, had deposited a sum of Rs. 10,000/- with M/s. Golden Project Ltd., respondent No. 2 for a term of five years. On the date of maturity, which was to be arrived at on 18.10.2001, she was entitled to receive a sum of Rs. 30,000/- from respondent No. 2 which she did through a cheque insured by respondent No. 2 in her favour. The cheque was drawn on Vijaya Bank, Chandigarh. SMT. Suman Kanwar was a consumer of the services of the appellant Post Office in respect of her Saving Bank Account with them. She delivered the cheque for collection to the appellant in the month of January, 2002. The cheque was valid for collection upto 17.4.2002. The appellant sent the said cheque of Rs. 30,000/- to Vijaya Bank at Chandigarh for clearance. The said Bank did not clear the said cheque on the ground of insufficient fund of the appellant with them. The appellant duly informed the respondent-complainant of the non-encashment of the cheque by the Bank at Chandigarh. Since the cheque was still valid upto 17.4.2002, SMT. Suman Kanwar respondent instructed the appellant on 27.3.2002 to collect the amount of the cheque from the Bank at Chandigarh. Such cheque was, however, not cleared by the said Bank and information to that effect was given by them to the appellant on 9.4.2002. The uncleared cheque was also returned to the appellant. But the appellant informed complainant-respondent of the return of the cheque uncleared as late as on 20.6.2002. On these facts respondent No. 1 alleged deficiency in service on the part of the appellant and filed her complaint with the

Forum. The Forum accepted her complaint and awarded compensation of Rs. 10,000/- for mental agony and Rs. 500/- as cost of litigation to the respondent-complainant. Hence this appeal by the appellant. Since despite appellant's having received the cheque in question uncleared and unencashed by the Bank at Chandigarh, as early as on 9.4.2002 but it did not inform the complainant-respondent till 20.6.2002, the Forum has rightly held that the appellant had rendered deficient service to Smt. Suman Kanwar.

Now the question is as to what should be the reasonable compensation Smt. Suman Kanwar should get from the appellant. No doubt on the return of the cheque on the ground of insufficient funds Smt. Suman Kanwar could have filed a complaint under Section 138 of the Negotiable Instruments Act against M/s. Golden Project Ltd., but she could not file such complaint due to appellant's not informing her of the date of return of the cheque. It could not be established before us that by now Smt. Suman Kanwar has not received her amount from M/s. Golden Project Ltd. Under such circumstances we are of the opinion that she should get compensation of Rs. 1,500/- only from the appellant. The appellant shall realise such amount from the erring and delinquent official/officer. In addition to the cost awarded by the Forum Smt. Suman Kanwar shall also get a sum of Rs. 500/- as cost of litigation of this appeal. Appeal disposed of.