(2003) 03 NCDRC CK 0080

In the National Consumer Disputes Redressal Commission

V. SRIDHAR GOUD APPELLANT

Vs

MEENA KEDIA RESPONDENT

Date of Decision : 13-03-2003

Acts Referred:

Citation : 2004 1 CPJ 215 : 2004 2 CPR 482

Hon'ble Judges : P.Ramakrishnam Raju , C.P.Suresh J.

Final Decision : Appeal dismissed

Judgement

1. THE opposite parties 14 and 15 in C.D. 806/2001 on the file of the District Consumer Forum-II, Hyderabad are the appellants.

2. THE case of the complainants is that they deposited moneys with the first opposite party Co-operative Urban Bank and as the amounts were not re-paid with interest as promised they filed the complaint, which was allowed by the District Forum with compensation of Rs. 5,000/- and costs of Rs. 500/- for each of the complainants. Hence the appeal. Ex. A-1 to Ex. A-5, Ex. A-13 and Ex. A-14, Ex. A-20 to Ex. A-23 are the FDRs obtained by the complainants from the first opposite party Bank, of which, the appellants are the Directors.

The appellants alongwith some of the opposite parties stated in their written version that they submitted their resignations which were actually accepted in the Board of Directors'' meeting. It is further stated that the first opposite party Bank is working under the directions of RBI, as per Section 35(AAA) of Banking Regulation Act, 1949. As per the said directions of the RBI, Bank cannot pay more than Rs. 500/- at a time on a single account and as such the demand of the complainants for withdrawal could not be honoured.

3. THE District Forum found that the appellants failed to discharge their obligation to repay the deposits as per the conditions of the agreement and hence there is deficiency in service on their part. The District Forum further found that Ex. B-6 order discloses that scrutiny revealed that OP-1 Bank was not functioning from 24.1.2001 and it was not able to meet the claims from the

depositors and the Bank''s management evinced any interest in the affairs of the bank. Further, the bank accepted the deposits from the complainant No. 4 under Ex. A-22 and under Ex. A-23 on 5.2.2001. However, it is contended before us by the learned Counsel for the appellants that the four complainants could not jointly file single complaint as cause of action for each of the complainants is not common but separate. This objection was not taken before the District Forum. Hence, it cannot be countenanced. Further, though the cause of action is different for the complainants they have joined together to make out common grievance that the opposite parties committed default in re-paying their deposits. The District Forum permitted them to continue the joint complaint and after the complaint is disposed of, we do not deem it appropriate to set aside the order on this technical ground. After all, Consumer Redressal Agencies are created to render cheap and quick remedy to the complainants and not by technicalities to dislodge the complaints. In this view of the matter, this objection does not carry conviction. Failure to pay back the deposit amounts collected with sweet promises of attractive rates of interest certainly amounts to deficiency in service. Hence, the District Forum rightly found that there is deficiency in service on the part of the opposite parties and accordingly directed the appellants and other directors to pay back the deposit amount with interest at the rate of 12 per cent per annum and compensation of Rs. 5,000/- each together with costs of Rs. 500/- each. This order, in our view, does not suffer from any infirmity. The appeal, therefore, fails and is accordingly dismissed. Time for payment six weeks. Appeal dismissed.