
(2021) 11 TDSAT CK 0014

In the Telecom Disputes Settlement And Appellate Tribunal

Case No : Cyber Appeal 8 Of 2021

Vodafone Idea Limited

APPELLANT

Vs

Krishan Lal Nain & Anr

RESPONDENT

Date of Decision : 11-11-2021

Acts Referred:

Citation : (2021) 11 TDSAT CK 0014

Hon'ble Judges : Shiva Kirti Singh, Chairperson; Subodh Kumar Gupta, Member

Bench : Division Bench

Advocate : Mansoor Ali Shoket, Kunal Singh, Vakul Sharma

Judgement

Admit. Issue notice to respondent no. 2 because respondent no. 1, the complainant has already appeared through Mr. Vakul Sharma, Advocate.

Inter-alia it has been submitted on behalf of the Appellant that learned Adjudicating Officer has erred in exonerating the respondent bank of all its liability and burdening the Appellant with the entire loss of Rs. 27,53,183,00. According to learned counsel, the Appellant had taken a categorical plea in paragraph 7 of written arguments (Annexure A/10) that on 28th and 29th May, 2017 when allegedly three last fraudulent withdrawal have been made, not a single message or OTP was received on the mobile number of the complainant and this would show that the bank had acted irregularly and not followed the guidelines of RBI.

In view of the aforesaid stand, it would be for the bank to show the relevant facts/evidence.

Respondent may file their replies to the Memo of Appeal, particularly grounds as well as to the two MAs which have been filed along with Appeal within six weeks. MAs shall be considered on the next date. Time for rejoinder shall be considered on the next date.

The appellant wants stay of the impugned direction whereby it is required to pay

an amount of Rs. 27,53,183.00 to respondent No. 1. Following the practice in such matters, Appellant is given liberty to deposit the amount in question with the Registry of this Tribunal. The deposit shall be in the name of Registrar, TDSAT who will keep the money under a Fixed Deposit with a Nationalised Bank and the same shall abide by further orders of this Tribunal.

To take advantage of this interim order, the Appellant should make the deposit within four weeks. If that is done, no coercive action shall be taken by the A.O. against the Appellant.

Post the matter under the head "For Directions" on 28.1.2022.