Amar Nath Vs. Post Master, Post Office, Roshan Ara Road.

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Mar-18-2009

Judge : J.D. Kapoor, President &Amp; the Honourable Ms. Justice Rumnita Mittal, Member

Appeal No. : Appeal No. FA-09 of 161A

Appellant : Amar Nath

Respondent : Post Master, Post Office, Roshan Ara Road.

Judgement :

J.D. Kapoor, President (Oral):

1. Feeling dissatisfied with the amount of compensation of Rs 3,000 and cost of litigation of Rs. 2,000 awarded by District Forum for misplacement or loss of the cheque,vide order dated 22.1.2009, the appellant has preferred this appeal.

2. According to the appellant he suffered a loss of Rs. 32,550 towardsincome tax due to the misplacement or loss of the cheque. It is not a case of encashment of cheque by unauthorized person. In this case the official of the respondent Post Office misplaced or handed over the cheque to some other person which caused unnecessary delay in issuing NSC to the appellant.

3. The cheque for Rs. 1 lakh was handed over by the appellant on 28.3.2006 through its agent to respondent Post Office, Roshan Ara Road whereas the NSC were to be issued by GPO Kashmere Gate. However, NSC were issued by the respondent Post Office from the date appearing on the cheque which was 29.3.2007 and the date of maturity has been shown as 29.3.2012. During the course of the argument the appellant produced the copies of Income Tax Returns as to assessment of tax paid by him. Photocopy of the Income Tax Return for the year 2007-08 reveals that he has been assessed to income tax and he had shown advance tax paid as Rs. 15,000, TDS Rs. 17,649 and assessment Rs. 32,550.

4. During the course of argument, the appellant also referred to the terms of agreement but there is no such term in agreement that in case the cheque is lost or misplaced, delayed deposited, the respondent Post Office shall be liable to pay the amount of loss suffered by the appellant. For the lapse occurred on the part of respondent Post Office, the District Forum has already awarded a reasonable compensation to the appellant. Moreover the NSCs were issued from the date appear on the cheque itself. It is not a case of intentional misplacement or the loss of the cheque so as to make the appellant suffer loss towards income tax. It just occurred inadvertently and there was no mala fide intention of the respondent Post Office as it was closing time for financial year 2007-08. However, for the shortcoming, inadequacy and fault the respondent Post Office was directed to pay aforesaid amount of compensation and cost of litigation which in our view are reasonable amount.

5. In the instant case there is no need to interfere with the impugned order. Hence the appeal is dismissed.

6. FDR/Bank guarantee, if any, furnished by the appellant be returned to the appellant forthwith after completion of due formalities.

7. A copy of this order as per statutory requirements be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room.

Appeal dismissed.