

J.K. Dhingra Vs. Narinderjit Singh

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Court : Delhi State Consumer Disputes Redressal Commission SCDRC New Delhi

Decided On : Sep-30-2002

Judge : Lokeshwar Prasad, President & Ms. Rumnita Mittal, Member

Appeal No. : Appeal No. A-1006 of 1998

Appellant : J.K. Dhingra

Respondent : Narinderjit Singh

Judgement :

Rumnita Mittal, Member:

1 .The present appeal is directed against order dated 20.10.1998 passed by District Forum-I, Tis Hazari Courts, Delhi in Complaint Case No. 687/1998 - entitled Shri J.K. Dhingra v. Shri Narinderjit Singh, Director-cum-Chairman, Okara Agro Industries Ltd.

2. The relevant facts, in brief, are that the appellant had filed complaint under Section 12 of the Consumer Protection Act, 1986 (hereinafter referred to as the Act), before the District Forum averring therein that the complainant had been lured, by the various advertisements issued on behalf of the respondent No. 1 regarding its sound financial position, into depositing an amount of Rs. 5,000/- each in the name of his two minor daughters viz Miss Koshi and Miss Shilelaza on 19.3.1997. The appellant also re-invested the proceeds of Rs. 5,000/- deposited

earlier, for a further span of one year on 27.3.1997. The respondent issued post-dated cheque No. 680900 for Rs. 6,500/- in the name of Ms. Shilelaza and cheque No. 683751 for Rs. 6,500/- in favour of Miss Koshi payable on 19.3.1998 and another cheque No. 680150 in favour of Ms. Shilelaza for Rs. 8,540/- payable on 27.3.1998. However, before the appellant could deposit the advance cheques in the respective accounts of his minor daughters, the appellant came across an advertisement in the newspaper The Hindustan Times that M/s. Okara Agro Industries Limited had instructed the Bank to stop payment of the cheques issued by the respondent and that the Account No. 3623 of the respondent company stood closed. The appellant, therefore, tried to contact the respondent several times but since the said respondent evaded meeting or receiving letters, the appellant filed a complaint before the District Forum praying for the redressal of his grievances.

3. The respondents were duly served in the complaint but since none appeared despite service, the learned District Forum proceeded ex-parte against the respondent and decided the complaint in favour of the appellant directing the respondent to pay to the complainant Rs. 13,000/- and Rs. 8,450/- with interest @ 18% per annum from the date of the deposit of the respective amounts till actual payment together with Rs. 1,000/- as cost of litigation.

4. Aggrieved by the quantum of relief awarded, the appellant has approached this Commission by filing the present appeal. A notice of this appeal was duly served on the respondent who despite opportunity being afforded to file its reply neither appeared nor cared to file any reply and as such was proceeded ex-parte vide orders/proceedings dated 1.5.2000.

5. We have carefully perused the documents/material on record, as well as, have heard the appellant at length. The sole grievance of the appellant in the present appeal is that though he had claimed an amount of Rs. 85,000/- as damages in his complaint on account of deficiency in service on the part of the respondent, the learned District Forum had failed to award any compensation to the appellant for the mental agony and harassment undergone by him and as such, is entitled to the said amount together with interest on the aforesaid amount. It is borne out of

the record that the appellant had deposited Rs. 5,000/- each in the name of his minor daughters and had also re-invested the proceeds of Rs. 5,000/- invested earlier for another one year and the respondent had failed to make the payment of the said amount together with accrued interest to the appellant. The learned District Forum in the circumstances had directed the respondent to return the principal amount invested by the appellant together with interest @ 18% as well as, had awarded Rs. 1,000/- as cost on account of litigation expenses. The loss occasioned on account of the non-payment of the principal amount to the appellant by the respondent has been duly compensated by the learned District Forum by awarding interest @ 18% though the appellant has nowhere stated either in his complaint or in his appeal as to what was the agreed rate of interest on the deposits. The amount had admittedly been invested by the appellant to earn interest i.e. for financial gains. In the event of delay in payment of the FDR amounts the only loss which the appellant can claim is the loss of interest. The same has been duly compensated by allowing interest at the rate of 18% per annum. Therefore, in the circumstances there is no occasion for awarding additional compensation in view of high rate of interest already awarded by the learned District Forum. As such, in view of the fact that the Redressal Agencies under the Act cannot be made Foras for unjust enrichment, the relief already awarded by the learned District Forum to the appellant in the facts of the given case, is adequate and as such calls for no further indulgence on our part, in the exercise of our appellate jurisdiction.

Therefore, the present appeal, filed by the appellant, being devoid of merit is liable to be dismissed and is dismissed accordingly. However, the parties, in the circumstances, are left to bear their own costs.

The present appeal, filed by the appellant, stands disposed of in above terms.

Appeal dismissed.

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