SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Prof. Arun K Lall Vs. the Manager, Credit Card Section M/S. Icici Bank Ltd.

Prof. Arun K Lall Vs. the Manager, Credit Card Section M/S. Icici Bank Ltd.

SooperKanoon Citation : sooperkanoon.com/1146454

Court : National Consumer Disputes Redressal Commission NCDRC

Decided On : Jan-22-2013

Judge : V.B. Gupta, Presiding Member &Amp;amp; the Honourable Mr. K.S. Chaudhari, Member

Appeal No. : Revision Petition No. 1387 of 2011 in Appeal No. 286 of 2010

Appellant : Prof. Arun K Lall

Respondent : The Manager, Credit Card Section M/S. Icici Bank Ltd.

Judgement :

K.S. Chaudhari, Member

1. This revision petition has been filed by the petitioner against the order dated 17.3.2011 passed by the Karnataka State Consumer Disputes Redressal Commission, Bangalore (in short, the State Commission) in Appeal No. Appeal No. 286/2010 " Prof. Arun K. Lall Vs. The Manager, Credit Card Section by which appeal for enhancement of compensation was dismissed and order of District Forum allowing complaint with compensation was affirmed.

2. Brief facts of the case are that petitioner/complainant and his wife used credit card of respondent/OP bank from 2001 to 2004 and after depositing final amounts of Rs.6875/- and Rs.1040/- on 1.10.2004 and 12.10.2004 respectively, closed credit card. On 19.7.2008, complainant received a phone from Delhi Police who apprised the complainant that non-bailable warrants have been issued against him

and further directed him to contact Mr. Sunit Soni, Advocate for getting further details. Complainant contacted Mr. Soni and as per his advice complainant deposited Rs.4422/- with ICICI Bank shown outstanding against him on the very day i.e. 19.7.2008. In spite of repeated requests, opposite party did not supply him details of outstanding payment, though, complainant had already cleared dues while closing credit card and as such, alleging deficiency, filed complaint before the District Forum. Opposite party contested complaint and submitted that account of outstanding amount due against the complainant as per statements Annexure C3 and C4 have already been provided to the complainant and complainant has deposited only outstanding amount on 19.7.2008. Allegation of information regarding non-bailable warrants was also denied. District Forum after hearing both the parties allowed complaint and directed OP/respondent to refund Rs.4422/- along with Rs.10,000/- as compensation and Rs.5,000/- as litigation charges. Petitioner not satisfied with the compensation awarded to him filed appeal against the order of the District Forum which was also dismissed by impugned order.

3. Petitioner did not appear at admission stage but requested by circulating a letter dated 2.1.2013 to dispose of the petition.

4. Perused record.

5. Learned District Forum while allowing refund of Rs.4422/- awarded compensation of Rs.10,000/- and further awarded Rs.5,000/- as cost of litigation. Learned State Commission has rightly observed that object of Consumer Protection Act is not to enrich the complainant at the cost of the service provider and its object is only to adequately compensate the consumer. Learned State Commission observed that petitioners case was not a fit case in which punitive damages should be awarded to him and in such circumstances, appeal was dismissed.

6. We do not find any jurisdictional error or material irregularity in the order of learned State Commission in upholding compensation awarded by the District Forum and not enhancing the compensation. Petitioner has drawn our attention towards compensation awarded by District Forum in other similar case. As per the statement, in another case Rs. 50,000/- were awarded by the District Forum on

6.8.2008 to the complainant Premendu Roy whereas only Rs.10,000/- have been awarded to the petitioner in order dated 14.7.2010. He could not supply details of order passed by State Commission in Premendu Roy case. In such circumstances, the comparison of his case with Premendu Roy cannot benefit him, as there is no illegality or material irregularity or jurisdictional error in not enhancing compensation. Revision Petition is liable to be dismissed at admission stage.

7. Consequently, the revision petition filed by the petitioner is dismissed at admission stage with no order as to costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com