

The Post Master and Another Vs. Uma Chowdhury

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Court : West Bengal State Consumer Disputes Redressal Commission SCDRC
Kolkata

Decided On : Jan-28-2014

Judge : The Honourable Mr. Debasis Bhattacharya, Member & the Honourable Mr. Jagannath Bag, Member

Appeal No. : S.C. Case No. FA/1001 of 2012

Appellant : The Post Master and Another

Respondent : Uma Chowdhury

Judgement :

Debasis Bhattacharya, Member:

This appeal is directed against the Judgment dated 04.10.12 in Case No. 251/2010 passed by the Ld. District Forum, South 24 Parganas.

By the impugned judgment, the Ld. District Forum has decreed (sic) on contest with cost of s. 5,000/- in favour of the Complainant and directed the OPs to pay Rs. 20,000/- as compensation for harassment and mental agony with cost within one month from the date of the order, failing which the entire amounts will carry an interest @ 10 % p.a. from the date of default till realization. Being aggrieved by and dissatisfied with the same, the OPs thereof have preferred this appeal.

The case of the Complainant/Respondent is that she returned the documents in connection with eh enhancement pack to the Manager, Dinning Plus, Standard Chartered Bank, 909, Raheja Centre, Nariman Point, Mumbai- 400 021 by registered post with A/D from Alipoe Head Post Office, under no. RLAD B 3227 dated 01.07.2010. But the OPs have failed and neglected to deliver the acknowledgement card to her. In the first week of August, 2010, she went to the OP No.1 regarding it, who advised her to meet the OP No.2. Then, she met the OP No. 2 in the first week of August, 2010 who told her that the A/D card will be sent within 3 days , which was not done. Accordingly, she wrote a letter dated 16.08.2010 to the OPs and requested them to inform her whether the same being no. RLAD B 3227 was duly served upon the addressee or not, but the Ops have deliberately and intentionally failed and neglected to reply the said letter. Thus, there is deficiency in service on the part of the OPs. So, the complaint case praying certain reliefs.

Denying the statements/allegations of the Complainant, the cae of the OPs/Appellants is that the said registered letter with acknowledgement was booked at Alipore, H.O on 01.07.2010 which was dispatched to its destination on the same date through Kolkata Airpot soting under serial no. 10/24 dated 01.07.2010, which was delivered to the addressee on 03.07.2010 through Nariman Point P.O. Mumbai. Complainants letter dated 16.08.2010 was received by the Alipore Head Post Office on 19.08.2010 under Complaint No. 700 027“04169 was registered on 19.08.2010 through website on the same day. The Complainant was communicated by Registered Letter No. A/8964 from Alipore Head Post Office that the registered letter dated 01.07.10 was delivered to the addressee on 03.07.2010 , which was received by Sri N.C. Das, father-in-law of Sri Subrata Chowdhury on 30.08.2010 from Jadavpur University Post Office, under his acquaintance in the registered delivery slip. So, the Department of Post rendered service to the Complainant properly and the question of the claim by the Complainant did /does not arise at any point of time. Thus, the complaint case being absolutely misconceived is liable to be dismissed with exemplary costs.

It is to be considered if the impugned judgment suffers from any anomaly as regards the facts and law.

Decision with Reasons:

Ld. Advocate for the Appellants has submitted that the consignment concerned of the Respondent which was posted for delivery at Nariman Point, Mumbai on 01.07.10 was duly delivered on 03.07.2010. The letter on behalf of the Respondent dated 16.08.2010 regarding delivery of the same was replied promptly within 07 days. There is purely suppression of material facts by the Respondent in filing the complaint, for which the Appellants are entitled to get cost from the Respondent, as the reply from the Alipore Head Post Office to the communication of the Complainant dated 16.08.2010 was made by a letter dated 25.08.2010 which was received by the Respondent through her representative, Sri. N.C. Das on 30.08.2010. But, the case thereafter has been filed by a suppressing all the facts on 08.10.10. He has referred Rule 196 regarding disposal of acknowledgements and Rule 207 regarding disposal of receipts and acknowledgements. He has contended that there has been no deficiency of service on that part of the postal authority in the matter, and the impugned judgment based on personal view can not sustain.

It is very much found hat the first written complaint from the side of the Respondent was made by a letter dated 16.08.2010 and a reply to it was made y the Deputy Post Master-III, Alipore, H.O. vide letter No.700027-04169 dated 25.08.2010, under Web Based Customer Grievance Helpline System, as a Settle Reply, informing that the Transaction No. B3227 on 01.07.2010 of Alipore is settled on 25.08.2010 stating that the registered letter was delivered to Dining Plus on 03.07.2010, which was received on 30.08.2010 by Sri N.C. Das, father-in-law of the Respondent on her behalf. In regard to the question put by the OPs regarding receipt of the letter by Sri N.C. Das on her behalf, the Complainant did not deny the said fact but only denied that the case was closed with such final reply. Materials on record very much show that in the Delivery Slip of the Registration Department of the Nariman Point PO- 400021 dated 03.07.2010 in which the official of the Dining Plus signed as acknowledgement of receiving the registered letter with its seal embossed /affixed on it. There is no correspondence from the side of the Dinning Plus to the Complainant that it did not receive the said letter and it is not made a party in the case as Proforma OP. There is also no

statement or material from the side of the Complainants there has been a deprivation of any facility or benefit of the Dinng Plus to her. Complainant has filed the case motivatedly and purposefully in order to get some kind of a compensation wrongfully. Before institution of the case on 08.10.2010, the Complainant was already informed by the Respondent regarding delivery of the letter. There is no further cause for filing the case thereafter by the Complainant only on the pretext not getting Acknowledge Card. There is as such no merit in the complaint case. The findings and order made by the Ld. District Forum is out of context and perspective. As such, the same cannot stand the test of scrutiny.

In the result, the appeal succeeds.

Hence,

ORDER

That the appeal be and the same is allowed. The impugned judgment is hereby set aside. Consequently, the complaint case stands dismissed.

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