

## Phoolan Wanti Vs Jana Priya Finance And Industrial Investment (India) Ltd

**Court:** NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

**Date of Decision:** Nov. 19, 2012

**Citation:** 2012 0 NCDRC 925 : 2013 1 CPJ 219

**Hon'ble Judges:** J.M.MALIK , VINAY KUMAR J.

**Advocate:** BALBIR SINGH GUPTA , J.M.Babri

### Judgement

1. THE key question swirls around the question, "whether this complaint is barred by time ". It is to be seen whether the present complaint was

filed within the leeway prescribed by Section 24A of the Consumer Protection Act. If it is not filed within time whether the explanation given by the

complainant under Section 5 of the Limitation Act is lucid or lame.

2. THE averments made in the application for condonation of delay are as follows: Jana Priya Finance and Industrial Investment (I) Limited with its

head office at 113 Park Street, Calcutta, West Bengal, opposite party in this case, opened its 176 branches throughout India and started collecting

funds from general public. They also opened branches at Karnal as well as Panipat. They used to collect the funds and open bank accounts in the

name of the opposite party. Receipts were also issued by the head office at Calcutta. On maturity, they used to make the payment of maturity

amount along with interest. This process continued till 1988. Thereafter, out of blue, they stopped making payments, regularly. As many as 335

complainants did not get their maturity amounts with interest despite several requests made to OP. The legal notice sent to the OP also did not ring

the bell. Ultimately the instant complaint by all the abovementioned consumers was filed before this Commission on 11.5.1999.

One Prafulla Chandra Jaina filed suit No. 529 of 1992 in the Hon "ble High Court of Calcutta on the plea that there was mismanagement in the OP

company. The Hon "ble High Court of Calcutta vide its order dated 23.3.1993 ordered that the whole work of the aforesaid company to be

centralized in the head office at 113, Park Street, Calcutta. The Hon "ble High Court also stayed all the proceedings against Jana Priya Finance

and Industrial Investment (I) Limited. The relevant portion of the order dated 23.3.1993 is reproduced as follows:

(9) In order to centralize the working of the respondent No. 1 for administrative conveniences, the entire work should be centralized in the office

situated in the premises No. 113, Park Street, Calcutta, so that the activities of the respondent No. 1 can be revived as early as possible. (10) One

year time is given to comply with all the statutory requirements for the revival and other activities of the respondent No. 1, statutory or non-

statutory. There shall be a stay of all proceedings of any nature and description against the respondent No. 1 for a period of one year. In any event

no proceeding be commenced against the respondent No. 1 without prior leave of this Court.

3. THE opposite party in Dainik Punjab Kesari dated 13.4.1994 advertised that:

Please note that the Division Bench of the Hon "ble High Court at Calcutta was pleased to pass an order on 30th March, 1994 directing all

Depositors including those who have filed proceedings before the various Consumer Forums to submit their claim directly to the Company by 30th

April, 1994 to enable the Company to prepare final scheme for making payment to the Depositors. Please further note that the Claim if any,

submitted after 30th day of April, 1994 will not get its place in the Scheme of Payment. In the premises, the Depositors are requested to submit

their claim directly to the Company "s Registered Office at 113, Park Street, Calcutta-700016 in terms of the said Order passed by the Hon "ble

Division Bench within 30th day of April, 1994.

The above said paper has been filed on the record, which has been admitted by the opposite party in its reply.

4. ALL the records were sent to Calcutta. vide its order dated 11.11.1997, the Hon "ble High Court of Calcutta passed the following order:

The Court: Mr. B.R. Chakraborty, the Auditor appointed in terms of the order of this Court earlier, is directed to scrutinise the claims of the

petitioners herein within a period of three months from the date of communication of this order and in the event of any recommendation for

payment by Shri Chakraborty, the company is directed to make such payment. Be it recorded that Shri Chakraborty would be at liberty to obtain

the views of both the claimants as well as that of the company before passing any such direction on to the company. In the event the Auditor feels it

expedient to call for certain documentary evidence, he would be at liberty to do so and parties are directed to furnish the same with utmost

expedition. The payments to be made by the company shall have to be effected directly to the depositors against proper discharge. The interim

orders already passed stand confirmed. The application stands disposed of as above. By reason of earlier orders of payment to the plaintiffs in the

suit as also the added parties, question of keeping the appeal or suit pending does not and cannot arise. As such, the appeal being No. 818 of

1992 as also the suit being No. 529 of 1992 upon treating the same as on the day "s list, stand disposed of along with the application for stay. The

undertakings in terms of prayer (a) of the stay petition stand dis-charged. This order is being passed having due regard to the factum that the

company, Janapriya Finance and Industrial Investment (India) Ltd. is now discharging its functions in accordance with the orders passed by this

Court from time to time. Liberty to apply. All parties including the Auditor are to act on a signed copy of this dictated order on the usual

undertakings. Sd/- Umesh Chandra Banerjee 11.11.1997 Sd/- Sidheshwar Narayan.

In the meantime, the opposite party offered highly slashed amount for example Phoolanwanti was offered an amount of Rs. 572 against her

maturity amount of Rs. 5,000, Gurdeep Singh was offered Rs. 520 against his claimed amount of Rs. 4,000, Paramjeet Singh was offered Rs. 728

against his claim of Rs. 4,000, etc. The complainants numbering 335 did not accept the said offer and filed the claims in the National Consumer

Disputes Redressal Commission, New Delhi on 11.5.1999. As per Hon "ble High Court "s order, the claim of the 335 complainants were to be

scrutinized by the auditor on 16.12.2004. An amount of Rs. 90,440 was deposited in the National Commission by the opposite party as per the

Chartered Accountant report and M.D. report. In the complaint, it is averred that the maximum amount of the investors pertained to the small

investors/complainants who could not get their maturity amount realized from the company and it was impossible for all the small investors to file

their recovery suit in the Court of Calcutta as expenses for going to Calcutta and filing the suit was obviously more than what was likely to be

realized by each of the investors individually. The stay was vacated by the Calcutta High Court on 11.11.1997 and the complaint was filed within 2

years thereafter.

5. WHEN the case was fixed for final disposal before this Commission (Predecessor Bench) on 6.9.2011, the Hon "ble Commission raised an

objection of two years limitation for filing the cases. Though, according to the complainants the same point was not raised by the opposite party.

(This is a wrong plea.) The dates of maturity of the complainants expired in September, 1991 and September, 1992. This application for

condonation of delay was filed in the Court on 7.9.2011.

6. THE above said application was contested by the opposite party. They admitted that public notice was published in Dainik Punjab Kesari on

13.4.1994. It is explained that in para No. 5 of the preliminary objection, opposite party took specific objection regarding the limitation. The cause

of action of each complainant had arisen during the period 1988 to 1994. The complaint was filed on 17.5.1999. Consequently, the case of the

petitioner is barred by time. It is explained that the petitioner can exclude the time in computing the limitation period to the extent of 4 years 7

months and 18 days, i.e. with effect from 23.3.1993 to 11.11.1997. In case, two years period is also included the total period comes to 6 years 7

months and 18 days. Complaint was filed on 17.5.1999. It is submitted that as per the submissions of the complainants only those cases which are

within limitation in which the date of maturity is 1.10.1992 or thereafter are recovered under the limitation and not all the cases of 335 complainants

are covered. It is contended that the public notice in Dainik Punjab Kesari on 13.4.1994 is not an acknowledgment of law within the meaning of

Section 18 of the Limitation Act. Section 18 talks about the effect of acknowledgement in writing before expiring the prescribed period for suit.

There is no written acknowledgement and the suit is hopelessly barred by time. Only complainant Nos. 1 to 13 have submitted their claim and

offers of payment was made to them. The said offered amount can only be recoverable regarding which there is no complaint of any breach. It is

explained that 89 complainants out of 335 present complainants had already approached the concerned District Forum and had obtained the

awards in their favour.

In the written statement the following averments were made. This Commission vide its order dated 7.1.1997 ordered that since the Hon "ble High

Court of Calcutta was already seized of the matter and had appointed a Chartered Accountant for the specific purpose of entertaining all the claims

as against the opposite party scrutinizing them and making payment to such of the claimants whose claims were found to be supported by adequate

material, it is not proper for this Commission to embark upon a concurrent adjudication into the contentions put forward in this revision. The

complainants were directed to put forward their respective claims before the Chartered Accountant appointed by the Hon "ble High Court of

Calcutta and produce all materials before him to substantiate their respective claims and if he is satisfied about the bona fides of the claimants,

payment of the amount found due to the claimants being made.

7. AGAIN each individual complainant has a separate claim against the opposite party and each one individual complainant has to prove and

substantiate his own individual claim on merits.

8. IT was admitted that contents of para 10 of the complaint are a matter of record. This para pertains to the advertisement dated 13.4.1994. It

was explained that the advertisement dated 13.4.1994 did not cover the false, fabricated and duplicate claims of the depositors. The payment was

to be made after due verification and recommendation of the auditor (Chartered Accountant) appointed by the Hon "ble High Court of Calcutta.

The present complaint is barred by principle of sub judice and res adjudicata. The present complaint is hopelessly barred by time.

First of all, we will decide the question of acknowledgement, which is purported to have been made on 13.4.1994. The Counsel for the petitioner

vehemently argued that the opposite party has never admitted that it had made acknowledgement on 13.4.1994.

9. THE Opposite party in its written statement has admitted that this public notice was given by them. They have also admitted in so many words

that the genuine claims of the investors are to be paid off. Since the Hon "ble High Court has given the investors liberty to take back the

investment, therefore, question of res judicata or sub judice does not arise. Consequently, there lies no rub in assuming that the original paper

furnished to the newspaper were signed by the opposite party or its agent. The opposite party did not dispute this fact. Consequently, it has to be

assumed that the period of 2 years was further extended with effect from 13.4.1994. There can be no conflictions on this point as well because

these facts were admitted in the written statement itself and are legally sound.

10. NOW , let us turn to the initial period, that is the crucial one. The time of limitation in this case starts from 13.4.1992, i.e. 2 years before time

of limitation was extended by 2 years. Consequently, the maturity date which expired after 13.4.1992 is within time but the maturity date which

expired prior to 13.4.1992 is barred by time. It stands proved that some of the claims are within time and other claims are barred by time. We will

discuss whose cases are within time and whose cases are barred by time, in the following paras.

We again advert to the advertisement dated 13.4.1994, the limitation stood extended to 13.4.1996, i.e. by two another years. However, due to

the above said stay granted by Hon "ble High Court, the complainant could not file the complaint before the Consumer Court. The argument

advanced by the learned Counsel for the respondent was that vide order dated 23.3.1993, the complainant should have sought relief from the Hon

"ble High Court to proceed against the opposite party.

11. WE see no force in these arguments. It appears that the stay continued till 11.11.1997. Although, the interim order was confirmed vide order

dated 11.11.1997, yet the Auditor General was appointed and the company was directed to make payment to its depositors/investors. Auditor

General was given the authority to probe this case. In other words, the stay stood vacated for the disbursal of the amount to the depositors. The

order was pronounced on 11.11.1997, consequently we find considerable force in the arguments advanced by the complainants that due to the

above said stay granted by the Calcutta High Court they could not file the complaint till 11.11.1997. The time started running from 11.11.1997

and the complaint was filed on 11.5.1999, i.e. within time for those investors whose maturity did not expire till 13.4.1992. By no stretch of

imagination, it can be said that it was incumbent upon the creditors to seek the relief of proceeding against the O.P. under all the circumstances.

The language of the order in this context is very clear, i.e.

In any event no proceeding be commenced against the respondent No. 1 without prior leave of this Court.

12. WE . hereby give the list of:

(A) Those promoters whose amount stand already settled and does not come within the purview of this Commission:  
Phoolan Wanti -Complainant

No. 1 Harish Chug -Complainant No. 14 Ram Chander -Complainant No. 15 Kailash Arora -Complainant No. 16 Shakuntla (Dead)Through LR

-Complainant No. 17 Prem Parkash -Complainant No. 18 Prem Chand -Complainant No. 19 Sewa Ram -Complainant No. 20 Parshotam Dass

-Complainant No. 21 Sita Devi (Dead) Through LR -Complainant No. 22 Jai Pal -Complainant No. 23 Sahib Dayal -Complainant No. 24 Mehar

Singh (Dead) Thr. LR -Complainant No. 25 Hari Chand (Dead) Through LR -Complainant No. 26 Ishwer Devi -Complainant No. 27 Ishwer

Grover (Dead) Thr. LR -Complainant No. 28 Lekh Raj -Complainant No. 29 Narain Dass -Complainant No. 30 Attar Chand -Complainant No.

31 Jagmohan Sarup -Complainant No. 32 Bishamber Dass -Complainant No. 33 Hari Kishan -Complainant No. 04 Pram Parkash -Complainant

No. 35 Ram Chand (Dead) Through LR -Complainant No. 36 Krishan Lal (Dead) Through LR - Complainant No. 37 Narender Singh -

Complainant No. 38 Faqir Chand (Dead) Through LR -Complainant No. 39 Kewal Krishan Mahna -Complainant No. 40 Govind Lal -

Complainant No. 41 Santok Singh -Complainant No. 42 Asha Nand -Complainant No. 43 Raj Rani -Complainant No. 44 Ram Piari (Dead)

Through LR -Complainant No. 45 Ram Ditta Khurana (Dead) Through LR -Complainant No. 46 Ishwer Lal -Complainant No. 47 Raj Kumar -

Complainant No. 48 Bal Singh -Complainant No. 49 Som Nath -Complainant No. 50 Shanti Devi -Complainant No. 51 Ramji Dass Munjhal -

Complainant No. 52 Inder Pal -Complainant No. 53 Krishna Grover -Complainant No. 54 Jia Lal Pal -Complainant No. 55 Ramesh Chander -

Complainant No. 56 Bhag Singh -Complainant No. 57 Ranbir Singh -Complainant No. 58 Ram Chand Sewak (Dead) Through LR -Complainant

No. 59 Veena Saluja -Complainant No. 60 Raj Pal Singh (Dead) Thr. LR. -Complainant No. 61 Ajub Ali -Complainant No. 62 Noor Jahan

Begum (Dead) Through LR -Complainant No. 63 Satish Kumar (Dead) Thr. LR -Complainant No. 64 Raj Kumari -Complainant No. 65 Ishwer

Pruthi -Complainant No. 66 Krishan Lal -Complainant No. 67 Hamelu Singh -Complainant No. 68 Ramesh Kumar -Complainant No. 69

Krishan Lal -Complainant No. 70 Om Prakash -Complainant No. 71 Sukhwinder Singh -Complainant No. 72 Gian Chand -Complainant No. 73

Sabhu Din (Dead) Through LR -Complainant No. 74 Gurbaksh Lal -Complainant No. 75 Dayanand Sharma -Complainant No. 76 Kashmiri Lal

(Dead) Through LR -Complainant No. 77 Sudershan Sharma -Complainant No. 78 Narain Devi Grover -Complainant No. 79 Jagsishlal -

Complainant No. 80 Harish Kumar Narang -Complainant No. 81 Ram Paul -Complainant No. 82 Gaju Din -Complainant No. 83 Phoola Ram -

Complainant No. 84 Tilak Raj Verma -Complainant No. 85 Pannu Ram -Complainant No. 86 Vimla Rani -Complainant No. 87 Subhash

Chander -Complainant No. 88 Randir -Complainant No. 89 Tulsi Dass -Complainant No. 90 Jagsish Chander (Dead) Thr. LR -Complainant No.

91 Arjun Dev -Complainant No. 92 Ghanwer Dass -Complainant No. 93 Om Prakash -Complainant No. 94 Ramji Lal -Complainant No. 95

Om Sachdeva -Complainant No. 96 Vinod Budhiraja -Complainant No. 97 Kamla Rani -Complainant No. 98 Ram Sarup (Dead) Through LR -

Complainant No. 99 Hans Raj Paruthi -Complainant No. 100 Manilala -Complainant No. 125 (B) Those promoters whose case is barred by

time: Gurdeep Sachdeva -Complainant No. 3 Paramjit Singh Sachdeva -Complainant No. 4 Amarjeet Kaur -Complainant No. 5 Gurdeep Singh

Sachdeva -Complainant No. 6 Gurdeep Singh Sachdeva -Complainant No. 7 Sarwan Kumar -Complainant No. 8 Geeta -Complainant No. 9

Om Prakash -Complainant No. 10 Rajbir Singh Chauhan -Complainant No. 11 Harbans Lal -Complainant No. 13 Chela Ram -Complainant No.

101 Suman Lata Sharma -Complainant No. 109 Om Prakash Giri -Complainant No. 110 Shankunlata Sharma -Complainant No. 111 Attar

Chand -Complainant No. 112 Harish Chandra Sharma -Complainant No. 113 Jia Lal -Complainant No. 114 Sanat Kumar -Complainant No.

115 Ram Kis.Hore Vats -Complainant No. 116 Jagat Ram -Complainant No. 117 Ghanshyam Dass -Complainant No. 118 Jyoti Prakash -

Complainant No. 119 Devi Dayal Sharma -Complainant No. 120 Ram Sarup Pandey -Complainant No. 121 Gordhan Dass -Complainant No.

122 Ram Bhaj -Complainant No. 123 Om Prakash -Complainant No. 124 Somnath Verma -Complainant No. 126 Guggan Ram (Dead) Thr. LR

-Complainant No. 127

Sukhdev -Complainant No. 128 Nagda Ram -Complainant No. 129 Harish Chander -Complainant No. 130 Jai Singh  
-Complainant No. 131 Jai

Narain Goolia -Complainant No. 136 Naresh Kumar -Complainant No. 139 Santosh Kumari -Complainant No. 143  
Satya Devi -Complainant

No. 144 Yashpal -Complainant No. 146 Shri Chand -Complainant No. 147 Mange Ram -Complainant No. 149 Geeta  
Ram -Complainant No.

150 Surjeet Kumar -Complainant No. 151 Jai Bhagwan -Complainant No. 152 Jagminder -Complainant No. 153 Pritmo  
Devi -Complainant No.

154 Hem Chand -Complainant No. 155 Bishan Das (Dead) Through LR -Complainant No. 156 Inderjeet -Complainant  
No. 157 Prithvi Singh -

Complainant No. 158 Rambir -Complainant No. 159 Jai Kumar -Complainant No. 161 Isham Singh -Complainant No.  
162 Rajbir -Complainant

No. 163 Sompal -Complainant No. 164 Gopi Ram (Dead) Through LR -Complainant No. 165 Kalu Ram (Dead) Through  
LR -Complainant No.

166 Ramji Lal -Complainant No. 169 Kanta Devi (Dead) Through LR -Complainant No. 170 Om Prakash -Complainant  
No. 171 Gopal Das -

Complainant No. 173 Krishan Lal Mata -Complainant No. 174 Rita Kumari -Complainant No. 175 Bhagwan Das (Dead)  
Thr. LR -Complainant

No. 176 Hari Chand -Complainant No. 177 Vinod Kumar -Complainant No. 178 Pushpa Rani -Complainant No. 179 Om  
Prakash -

Complainant No. 180 Soma Rani -Complainant No. 181 Kashmiri Lal -Complainant No. 185 Kashmiri Lal -Complainant  
No. 186 Yugdutt

Verma (Dead) Thr. LR -Complainant No. 187 Neelam Kumari -Complainant No. 196 Mani Ram -Complainant No. 200  
Natha Ram -

Complainant No. 201 Chander Wati -Complainant No. 202 Om Prakash (Dead) Thr. LR -Complainant No. 203 Santosh  
-Complainant No. 204

Satya Dev (Dead) Through LR -Complainant No. 205 Shyam Singh -Complainant No. 206 Rasid Khan -Complainant  
No. 207 Mange Ram -

Complainant No. 208 Shakuntla -Complainant No. 209 Paramjeet -Complainant No. 210 Prakash Kaur (Dead) Thr. LR  
-Complainant No. 211

Joginder Kaur -Complainant No. 212 Sukhwinder Kaur -Complainant No. 213 Hans Raj -Complainant No. 214 Prakash  
Kaur (Dead) Thr. LR -

Complainant No. 215 Om Prakash (Dead) Thr. LR -Complainant No. 216 Jasbir Kaur -Complainant No. 217 Madan Lal  
-Complainant No.

218 Harbans Singh -Complainant No. 219 Lalita Gandhi -Complainant No. 220 Bihari Lal Nagpal (Dead) Thr. LR  
-Complainant No. 221

Amarjeet Kaur -Complainant No. 224 Ashok Kumar -Complainant No. 225 Joginder Singh -Complainant No. 226  
Umesh Chander -

Complainant No. 227 Puranchand -Complainant No. 228 Lilawati -Complainant No. 229 Sumitra Devi -Complainant No.  
230 Shavitri Devi -



Complainant No. 231 Dharam Singh -Complainant No. 232 Mani Ram -Complainant No. 233 Mamta Rani -Complainant No. 234 Ram Bai

(Dead) Through LR -Complainant No. 235 Sugriv -Complainant No. 236 Hari Singh Rana (Dead) Through LR -Complainant No. 237

Shakuntla Rani -Complainant No. 238 Jagat Ram -Complainant No. 239 Prem Rao -Complainant No. 240 Chando Rani (Dead) Thr. LR -

Complainant No. 241 Om Prakash (Dead)Thr. LR -Complainant No. 242 Siyaram God -Complainant No. 244 Kanhi -Complainant No. 245

Mahabiri Devi -Complainant No. 246 Rajinder Kumar -Complainant No. 248 Rajinder Kaur -Complainant No. 249 Dhunichand -Complainant

No. 250 Gopal Krishan Dutta -Complainant No. 251 Devi (Dead) Through LR -Complainant No. 252 Rajinder Kumar -Complainant No. 253

Jagdish Lal (Dead) Through LR -Complainant No. 254 Tulsi Das -Complainant No. 255 Balihar Singh -Complainant No. 256 Gurmit Singh -

Complainant No. 257 Vinod Kumar -Complainant No. 258 Mohan Lal (Dead) Through LR -Complainant No. 259 Svitri -Complainant No. 260

Mahmood Hussain -Complainant No. 261 Bishamber Dayal (Dead) Through LR -Complainant No. 262 Anita Rani -Complainant No. 263

Puran Mal -Complainant No. 264 Kishan Chand -Complainant No. 265 Chaju Ram (Dead) Through LR -Complainant No. 266 Jiwan Ram -

Complainant No. 267 Kalawati -Complainant No. 268 Mohinder -Complainant No. 269 Shri Niwash -Complainant No. 270 Asha Sharma -

Complainant No. 271 Jugal Sharma -Complainant No. 272 Chander Kant Sharma -Complainant No. 273 Ashok Single -Complainant No. 274

Shaym Lal -Complainant No. 277 Sunder Lal -Complainant No. 278 Krishna Devi (Dead) Thr. LR -Complainant No. 279 Gopal Dass -

Complainant No. 280 Gobind Lal -Complainant No. 281 Fatha Singh -Complainant No. 282 Jasbir Singh -Complainant No. 283 Prem Kumar -

Complainant No. 284 Ashok Kumar -Complainant No. 285 Pishori Lal (Dead) Through LR -Complainant No. 286 Puna Singh -Complainant

No. 287 Veerbhan -Complainant No. 288 Preetam Lal -Complainant No. 289 Nanak Chand -Complainant No. 290 Kewal Krishan -

Complainant No. 291 Narain Devi -Complainant No. 292 Lal Chand Kapoor -ComplainantNo. 293 Shaym Lal Sharma -ComplainantNo. 294

Ram Lal Malhotra -ComplainantNo. 295 Hardwari -Complainant No. 296 Gopal Malhotra -Complainant No. 297 Attar Chand Tomar -

Complainant No. 298 Hari Singh -Complainant No. 299 Anand -Complainant No. 300 Pale Ram -Complainant No. 301 Ram Dhari Goswami -

Complainant No. 302 Madan Lal -Complainant No. 303 Sai Dass -Complainant No. 304 Mulakh Raj -Complainant No. 305 Ramchand -

Complainant No. 306 Mohan Singh -Complainant No. 307 Maman Ram -Complainant No. 308 Jaw Ala Singh  
-Complainant No. 309 Bhullan

Singh -Complainant No. 310 Savitri Devi -Complainant No. 311 Bhir Singh -Complainant No. 313 Suresh Kumar  
-Complainant No. 314 Dhara

-Complainant No. 315 Subhash Malik -Complainant No. 316 Anil Kumar -Complainant No. 327 Chameli Devi  
-Complainant No. 328 Gulab

Singh -Complainant No. 335 (C) Those promoters whose case is within time: Shyam Sundar Ahuja -Complainant No. 2  
Ramakank Sharma -

Complainant No. 12 Manohar Lal -Complainant No. 102 Mangh Raj -Complainant No. 103 Bhiwani Dass -Complainant  
No. 104 Dharam Dev

(Dead) Thr. LR -Complainant No. 105 Satya Rani -Complainant No. 106 Prem Prakash -Complainant No. 107 Tirath  
Dass -Complainant No.

108 Kartar Singh -Complainant No. 132 Hosiyari Devi -Complainant No. 133 Prakash Malik -Complainant No. 134  
Satya Vir Singh Malik -

Complainant No. 135 Chander Bhan -Complainant No. 137 Harbans Lal Suneja -Complainant No. 138

Ram Singh (Dead) Through LR -Complainant No. 140 Om Prakash -Complainant No. 141 Abnesh Chander  
-Complainant No. 142 Bhim Singh

(Dead) Through LR -Complainant No. 145 Hem Raj -Complainant No. 148 Pradeep Kumar -Complainant No. 160 Om  
Prakash -Complainant

No. 167 Rekha Rani -Complainant No. 168 Jarnail Singh -Complainant No. 172 Ashok Kumar Sapra (Dead) Through  
LR -Complainant No.

182 Gulshan Kumr -Complainant No. 183 Raj Kumari -Complainant No. 184 Jaipal (Dead) Through LR -Complainant  
No. 188 Jagmal Singh -

Complainant No. 189 Hans Raj -Complainant No. 190 Wwilesh Kumari -Complainant No. 191 Ramesh Kumar  
-Complainant No. 192 Manoj

Kumar (Dead) Thr. LR -Complainant No. 193 Karta Ram -Complainant No. 194 Leela Rani -Complainant No. 195  
Kamla Devi -Complainant

No. 197 Premi Devi (Dead) Through LR -Complainant No. 198 Balwant Singh -Complainant No. 199 Ashok Kumar  
-Complainant No. 222

Suresh Pal -Complainant No. 223 Babu Ram Moria -Complainant No. 243 Ram Singh -Complainant No. 247 Vidyanand  
-Complainant No. 275

Vidya Nand -Complainant No. 276 Savitri Devi -Complainant No. 312 Karan Singh -Complainant No. 317 Shashi Bala  
-Complainant No. 318

Inderjeet -Complainant No. 319 Gorja Rani -Complainant No. 320 Inderpal Harijan -Complainant No. 321 Somdutt  
-Complainant No. 322

Kusham Lata -Complainant No. 323 Vikas Kumar -Complainant No. 324 Raghbir Singh -Complainant No. 325 Lall Devi  
-Complainant No. 326

Ram Das Saini -Complainant No. 329 Malkhan Singh -Complainant No. 330 Karan Singh -Complainant No. 331 Rai  
Singh -Complainant No.

332 Karan Singh -Complainant No. 333 Chetro Devi -Complainant No. 334

The learned Counsel for the opposite party vehemently argued that the case by as many as 335 complainants is not maintainable. He submitted that

causes of action are different, dates of payment and dates of maturity are different and as such each complaint should have filed a separate

complaint.

13. WE are unable to locate substance in these arguments. Section 2(1)(b)(iv) of the Consumer Protection Act, 1986 permits the complainants to

file such complaint and it runs as follows:

complainant "" means - (i) a consumer, or (ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under

any other law for the time being in force; or (iii) the Central Government or any State Government; or [(iv) one or more consumers, where there

are numerous consumers having the same interest.]

14. EACH consumer in this case has got the same interest. Consequently, this complaint is maintainable.

In the result, we allow the complaints filed by those persons, which fall within the category (C) mentioned above. The amount will carry interest at

the rate of 10% p.a. from the date of deposit till its recovery. Petitioners are also awarded litigation charges in the sum of Rs. 3 lakh. It must be

borne in mind that the complainants were deprived of their hard-earned money for a period of more than two decades.

15. IT has also come to our notice that some amount is already deposited. The said amount be paid to the decree holders proportionately. Single

authorised person/complainant by all the complainants. Loan already received by the complainants from the OP from their FDRs shall be

adjusted/deducted. The amount already deposited shall not carry interest because the same had already been deposited in the FDR. The FDR

amount will be paid to the complainants. The learned Registrar will calculate the amount as ordered by this Commission. He is at liberty to fix the

date on Saturdays with the consent of the parties. His fee is fixed as Rs. 25,000 to be paid by the parties (Complainants and OP) in equal share.

Complaints allowed.