

(1995) 06 NCDRC CK 0003

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

KRISHAN DASS
CHAURASIA

APPELLANT

Vs

State Bank of India

RESPONDENT

Date of Decision: June 5, 1995

Citation: 1995 3 CPJ 318 : 1996 1 CLT 634 : 1996 1 CPC 311 : 1996 1 CPR 122

Hon'ble Judges: A.P.Chowdhri , S.Brar J.

Final Decision: Complaint disposed of

Judgement

1. BRIEFLY stated the material facts of this case are that the complainants purchased State Bank of India Magnum Certificate valuing rupees one lac under the Magnum Monthly Income Scheme, 1989, in the year 1989. They surrendered the said certificate on 7.4.92 and requested O.P. No. 1 to make the payment by 1.5.92. The payment having not been made, a reminder was sent on 19.5.92. Pay order of the amount dated 20.5.92 was sent by O.P. 1 with a forwarding letter which was received on 8.7.92. The O.P. stated to have wrongly despatched the pay order of SBI, Paschim Vihar, New Delhi Branch and the same was re-delivered to O.P. 1 under the wrong impression that signatures of the complainants had been verified by SBI, Paschim Vihar Branch. In fact the signatures had been verified by the complainants' banker namely Manager, State Bank of Bikaner and Jaipur, Paschim Vihar, New Delhi. The complainants had therefore to open a fresh bank account with the SBI, Paschim Vihar Branch as the pay order was drawn on that branch. The pay order was deposited on 14.7.92 in the newly opened account but was credited only on 26.7.92. The grievance of the complainants is that in the process they lost interest on the amount of rupees one lac for the period May, June and upto 26th July '92 @ 18%. In addition to the loss of interest the complainants claimed a sum of Rs. 15,000/- as compensation for mental agony and harassment.

2. TWO objections have been raised by the O.P. The first objection is that the claim of the complainants is of an amount below rupees one lac and is therefore within the jurisdiction of the District Forum and they should be relegated to their remedy before that Forum. Secondly, the trustee of the SBI Mutual Fund is SBI Capital Markets Ltd., Bombay which is a separate juristic entity with no branch office at Delhi. The agencies under the Consumer Protection Act situated in Delhi have, therefore, no territorial jurisdiction. We do not think it necessary to go into the consequence of the above objections.

With regard to the first objection even before the revision in the pecuniary limitation of jurisdiction and assuming the averments made in the complaint to be true the total claim does not exceed rupees one lac which was well within the pecuniary jurisdiction of the District Forum. No doubt the matter has been pending in this Commission since Sept. '92, this is something which we can only regret but not really help. We do not think that we would be justified in entertaining a matter which is within the original jurisdiction of the D.F. We accordingly direct the complaint to be returned to the complainants with the endorsement of the date of its presentation before this Commission and the date of its return, to enable the complainants to have their remedy according to law by approaching the District Forum. For the purpose of doing so the registry will fix the date while sending copy of this order to both the parties. The complaint is disposed of in these terms. Complaint disposed of. _____