

SYNCO INDUSTRIES
v.
STATE BANK OF BIKANER AND JAIPUR AND ORS.

JANUARY 15, 2002

[S.P. BHARUCHA, C.J., UMESH C. BANERJEE AND
BISHESHWAR PRASAD SINGH, J.J.]

Consumer Protection Act, 1986 :

Consumer Forum—Claim before for huge sum requiring detailed evidence to prove—Claimant filing petition before National Consumer Disputes Redressal Commission alleging deficiency in service by respondent-bank—Bank alleged to have frozen the sanctioned working facilities of the claimant without prior information—Damages amounting to Rs. 15 crores and additional sum of Rs. 60 lacs as expenses, claimed—National Commission rejecting the petition holding it not to be a fit case to be tried under the Act and complainant would be at liberty to go to civil court—Held, in order to prove the claim and thereafter to prove the damages and expenses detailed evidence would have to be led—It is not an appropriate case to be heard and disposed of in a summary fashion—National Commission was right in giving the claimant liberty to move the civil court—This is an appropriate claim for a civil court to decide, but was not filed before a civil court because before the Consumer Forum any figure in damages can be claimed without having to pay court fees—This, in that sense is an abuse of the process of the Consumer Forum—Forum—Remedy.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6453 of 2000.

From the Judgment and Order dated 26.7.2000 of the National Consumer Disputes Redressal Commission, New Delhi in O.P. No. 31 of 2000.

Manish Singhvi and Ashok K. Mahajan for the Appellant.

M.N. Krishnamani, Anil Kumar Sangal and Anurag Pandey for the Respondents.

The following Order of the Court was delivered :

A The present appellants moved the National Consumer Disputes Redressal Commission alleging that the respondents had been guilty of deficiency in service in that they had, without good reason, frozen the sanctioned working facilities of the appellant without prior intimation. In this behalf, the appellant sought a direction to the first respondent to prepare a funding package to re-start the appellant's oil division and to grant waiver of interest, damages in B the sum of Rupees fifteen crores and an additional sum of Rupees sixty lakhs to cover cost of travelling, man days lost and other expenses incurred by the appellant in pursuing the matter with the respondents. The National Consumer Disputes Redressal Commission dismissed the complaint saying, "The C complaint is against the bank, whether the bank is entitled to reduce the loan facilities or not. We do not consider it to be a fit case to be tried under the Consumer Protection Act. The Original Petition is dismissed. However, the complainant is at liberty to go (to) the Civil Court or any other forum, if so advised."

D Against this order of dismissal of the complaint, the appellant has filed this appeal and it has been referred to a Bench of three Judges because it was felt that the question raised was one of importance.

E Given the nature of the claim in the complaint and the prayer for damages in the sum of Rupees fifteen crores and for an additional sum of Rupees sixty lakhs for covering the cost of travelling and other expenses incurred by the appellant, is obvious that very detailed evidence would have to be led, both to prove the claim and thereafter to prove the damages and expenses. It is, therefore, in any event not an appropriate case to be heard and disposed of in a summary fashion. The National Commission was right in giving to the appellant liberty to move the Civil Court. This is an appropriate F claim for a Civil Court to decide and, obviously, was not filed before a Civil Court to start with because, before the Consumer Forum, and figure in damages can be claimed without having to pay court fees. This, in that sense, is an abuse of the process of the Consumer Forum.

G The Civil Appeal is dismissed, with costs in favour of the first respondent.

R.P.

Appeal dismissed.