

**DCDRF North 24 Paraganas Barasat
Kolkata-700126.**

**Complaint Case No. CC/154/2019
(Date of Filing : 30 May 2019)**

1. Smt. Ashalata Podder

W/O T.Podder, Vill.& P.O.-Arbalia, P.S.-Baduria, Pin-743447

North 24 Parganas

West Bengal

.....Complainant(s)

Versus

1. Sahara Q Shop Unique Products Range Limited

Sahara India Bhawan, 1, Kapoorthala, P.O.& P.S.-Aliganj,

Pin.-226024

Lucknow

Uttar Pradesh

.....Opp.Party(s)

BEFORE:

HON'BLE MR. Sri Abhijit Basu PRESIDING MEMBER

HON'BLE MS. Ms. Monisha Shaw MEMBER

PRESENT:

Dated : 30 Dec 2022

Final Order / Judgement

DIST. CONSUMER DISPUTES REDRESAL COMMISSION

NORTH 24 Pgs., BARASAT.

C. C. No. 154/2019

**Date of Filing:
Disposal:**

30.05.2019

Date of Admission:

25.06.2019

Date of

30.12.2022

SMT. ASHALATA PODDER, W/o Tarak Podder of Vill. & P.O.
Arbalia, P.S. Baduria, District North 24 Parganas, Pin - 743447

Complainant/s:-

= Vs. =

Opposite Party/s:-

1. SAHARA Q SHOP UNIQUE PRODUCTS RANGE
LIMITED, Having its registered office at Sahara India
Bhawan,1, Kapoorthala Complex, Aliganj, P.O. + P.S.
Aliganj, Lucknow- 226024.

2. SAHARA Q SHOP UNIQUE PRODUCTS RANGE LIMITED, Having its registered office at Vill., P.O. & P.S. Baduria, Pin – 743401.
3. THE REGIONAL MANAGER, SAHARA Q SHOP UNIQUE PRODUCTS RANGE LIMITED, at Badamtala, Madhyamgram, P.O. & P.S. Madhyamgram, District North 24 Parganas, Kolkata - 700129

P R E S E N T :- **Smt. Monisha Shaw Member.**

 :- **Shri Abhijit Basu.....Member**

JUDGMENT / FINAL ORDER

This is a complaint U/s 12 read with section 13 of the Consumer Protection Act, 1986 (as amended up to date).

The Complainant stated that being convinced by the representative of O.P. the Complainant agreed to deposit in SAHARA Q SHOP UNIQUE PRODUCTS as SAHARA Q SHOP UNIQUE SCHEME that in the first part of the month of October in the year 2012 one officer of the Opposite Party No. 2 Branch office made a contact to this Complainant and tried to convince the Complainant regarding the investment and also convinced that the service and returned benefit of the Opposite Party Company is better than other financial institution and or bank. The Complainant convinced and agreed to deposit in SAHARA Q SHOP UNIQUE SCHEME and as such she invested an amount of total Rs. 21,000/-. The Company was issued certificate being No. 562000678545 dated 09/10/2012 amounting to Rs. 10,000/- and 562000678546 dated 09/10/2012 amounting Rs. 11,000/- i.e. total Rs. 21,000/-.

The O.P. No. 2 issued said certificate. Even after the maturity of the said scheme the Complainant went to the Office of the O.Ps for realizing their matured amount but the Opposite Party was neglected and refused to refund the matured amount inspite of several demands by Complainant. Hence, the Complainant filed this case praying for direction as prayed for. After serving the notice upon the O.Ps only the O.P. No. 4 appeared and O.P. No. 1 to 3 were not appeared before this Commission. Hence, the matter was heard ex-parte upon O.P. NO. 1, 2 and 3. The O.P. No. 4 / SEBI contested the case by filing written version and the O.P. No. 4 submitted that the Complainant was never a consumer of O.P. No. 4 and therefore the case against O.P. No. 4 is not maintainable. It is also mentioned that the Complainant has not sought for any relief against O.P. No. 4 – SEBI. The O.P. No. 4 stated that it is processing refund of the investors who had invested SAHARA Q SHOP UNIQUE SCHEME issued by SAHARA REAL ESTATE CORPORATION LTD. (SIRECL) and SAHARA HOUSING INVESTMENT CORPORATION LIMITED in terms of the direction of the Hon'ble Supreme Court and investment in other scheme / group companies of SAHAR group is not covered in the Hon'ble Supreme Court and therefore no payment can be made by SEBI to the investors of other scheme group companies. Hence, O.P. No. 4 / SEBI prayed for dismissal of the case upon O.P. No. 4.

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Upon consideration of the contention of the parties it is found that the point of consideration in this case are whether the case is maintainable or whether the Complainant is entitled to get any relief as prayed for.

Decisions with Reasons:-

Ld. Advocate for the Complainant submitted that Complainant deposited the said amount as stated in the Complaint but the O.P No. 1 to 3 refused to give the maturity value of the certificates inspite of several representations to that effect. He prayed for the decree in favour of the Complainant as prayed for. None appeared for the O.P. No. 1 and 3 to contest the case. The Ld. Advocate for O.P. No. 4 by submitted that there was no allegation against SEBI and the Complainant has not sought for any relief against the O.P. No. 4 SEBI and therefore there is no case against the Complainant against O.P. No. 4 / SEBI. He also submitted that O.P. No.4 SEBI is not in any way connected with the scheme of the O.P. No. 1 to 3 in which the Complainant invested the amount total Rs. 21,000/- as stated above. But the O.P. No. 4 is only involved with the investors of SIRECL and SHICL as per order of the Hon'ble Supreme Court. He therefore prayed for dismissal of the case against the O.P. no. 4.

Considering the petition of Complaint, the written version of O.Ps and evidence of Complainant and the documents filed we find that the Complainant has produced the copy of the documents from which it is evident that the complainant had deposited the amount as stated by the complaint and the O.P. Nos. 1 to 3 after maturity of the certificate failed and neglected to pay the maturity value. The O.P. NOs. 1 to 3 did not contravene the allegations of the Complainant by filing any evidence or on oath. The Complainant has proved her case by swearing of affidavit which was not contravened by the O.P. nO. 1 to 3. Therefore, we find that the Complainant has proved her case and is entitled to get the decree in her favour against the O.P. No. 1 to 3. So far as O.P. 4 / SEBI is not connected. It is found that the Complainant has not sought for any relief against the O.P. No. 4.

Hence,

It is Ordered

That the instant case being no.CC- 162/2012 be and the same is allowed against the O.P. No. 1 to 3 and dismissed on contest against O.P No. 4

The O.P. No. 1, 2 and 3 are directed to pay the matured value in respect of said scheme being Certificate Nos. 562000678546 and 562000678545 dated 09.10.2012 upon production of the original certificates and documents of deposit by the Complainant along with interest thereon @ 6% p.a. from the date of maturity till payment of the same within 02 months from the date of this judgment failing which the Complainant is at liberty to execute the decree according to law.

Let plain copy of this order be given to the parties free of cost.

Dictated & Corrected by

Member

Member
Member

[HON'BLE MR. Sri Abhijit Basu]
PRESIDING MEMBER

[HON'BLE MS. Ms. Monisha Shaw]
MEMBER