

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

**Complaint Case No. CC/121/2021
(Date of Filing : 21 Apr 2021)**

1. Smt. Sikha Sana, W/O- Sri Rabindranath Sana
Vill & PO- Nehalpur, PS- Matia, PIN- 743437
North 24 Parganas

.....Complainant(s)

Versus

1. The Director, Sahara Credit Co-operative Society Limited
Having its registered office at Sahara India Bhawan, 1,
Kapoorthala Complex, PO & PS- Aliganj, Locknow-226024

2. The Branch Manager, Sahara Credit Co-operative Society
Limited

Having its Sector Office at Taki Road, Basirhat, Jasoda Bhaban,
1st Floor, Near Falguni Cinema Hall, PO- Basirhat College, PS-
Basirhat, PIN- 743412

North 24 Parganas

3. The Regional Manager, Sahara Credit Co-operative Society
Limited

Badamtala, Madhyamgram, PO & PS- Madhyamgram,
Kolkata- 700129

North 24 Parganas

4. The Regional Director, SEBI, L & T Chambers

3rd Floor, 16 Camac Street, PO & PS- Shakespeare Sarani,
Kolkata- 700017

.....Opp.Party(s)

BEFORE:

HON'BLE MR. Sri Abhijit Basu PRESIDING MEMBER

HON'BLE MS. Ms. Monisha Shaw MEMBER

PRESENT:

Dated : 21 Aug 2023

Final Order / Judgement

DIST. CONSUMER DISPUTES REDRESAL COMMISSION

NORTH 24 Pgs., BARASAT.

C.C. No. 121/2021

Date of Filing:

Date of Admission:

Date of Disposal:

21.04.2021

01.10.2021

21.08.2023

Complainant/s:-

Smt.Sikha Sana, W/o. Sri Rabindranath Sana,
Vill and P.O. Nehalpur, P.S. Matia, Dist-North 24 Pgs,
Pin-743437.

**Opposite
Party/s::**

= Vs=

- 1.The Director, Sahara Credit Cooperative Society Ltd,
Its registered office at Sahara India Bhawan, 1, Kapoorthala Complex,
P.O. P.S. Aliganj, Lucknow-226024.
- 2.The Branch Manager, Sahara Credit Cooperative Society Ltd,
Its Sector Office at Taki Road, Basirhat, Jasoda Bhavan, 1st floor,
Near Falguni Cinema Hall, P.O. Basirhat college, P.S.Basirhat,
Dist- North 24 Parganas, Pin-743412.
- 3.The Regional Manager, Sahara Credit Cooperative Society Ltd,
Badamtala, Madhyamgram, P.O.and P.S. Madhyamgram
Dist:- North 24 Parganas, Kolkata-700129.
- 4.The Regional Director, SEBI, L & T Chambers, 3rd Floor,
16, Camac Street, P.O. & P.S. Shakespeare Sarani, Kolkata-700017.

P R E S E N T**:- Smt. Manisha Shaw.....Member****:- Sri. Abhijit Basu.... Member.****JUDGMENT**

This is a complaint u/s 35 of the C.P. Act2019.

The brief facts of the case is as under:-

The complainant stated that being convinced by the representative of the O.P and the complainant agreed to deposit money in the Sahara E. SHNE Fixed deposit scheme for 96 months.

The complainant deposited total Rs. 1,00,000/-for fixed deposit /scheme amounting Rs, 17,000/- + Rs. 16,000/- +Rs. 17,000/- +Rs.16,000/-+Rs.17,000/-+Rs.17,000/- Total six fixed

deposits. The opposite party No.2 issued the certificate being No.(1)531003003525, account No.60124200454 amounting Rs.17,000/- (2) certificate No.351003003526 being account No.60124200455 amounting Rs.16,000/- (3) certificate No.351003003527 being account No. 60124200456 amounting Rs. 17,000/- all are dated 20.01.2017 respectively and (4) certificate No.351005853581 being account No. 6012420426 amounting Rs. 16,000/- (5) certificate No.351005853582, Account No. 60124201427 amount Rs. 17,000/- and (6) certificate No.-351005853583, Account No. 60124201428 Rs. 17,000/- all are dated 03.04.2017 Membership No. 60121200283. The opposite party No.2 issued said certificates. Even after Maturity of the said scheme the complainant went to the office of the opposite parties for realizing and / or collecting the matured amount but the opposite parties were neglected and refused to refund the matured amount inspite of several demands by a complaint. Hence the complainants filed this case for direction to the O.P. Nos. 1,2 and 3 to pay the matured value of the said scheme and other reliefs.

Contd/-2

C.C. No. 121/2021

: 2 :

O.P. Nos. 1,2 and 3 did not contest the case by filing written version after receiving the notice.

There was no allegation against O.P. No.4 and therefore there is no case against O.P.No.4.

Reasons for judgment

Considering the petition of the complainant, evidence of the complainant and documents filed we find that the complainant had deposited the said amount as stated by the complaint and the O.P. Nos. 1 to 3 after maturity of the said fixed deposit certificates failed and neglected to pay the matured value. The O.P. Nos. 1 to 3 did not controvert the allegations of the complaint by filing any evidence or any oath. The complainant proved the case by swearing of affidavit which was not controverted by O.P. Nos. 1 to 3. Therefore, we find that the complaint has proved the case and is entitled to get the decree in her favour against O.P. Nos. 1 to 3.

So far as the O.P. No. 4- SEBI is found that the complainant has not sought for any relief against O.P. No.4.

In the instant case complainant is a consumer as she invested money and O.P. Nos. 1 to 3 are service provider but O.P. Nos. 1 to 3 failed to provide their service as the O.P..Nos. 1 to 3 did not refund the matured amount as promised which will be treated as deficiency of service on the part of O.P.Nos. 1 to 3 as per Consumer Protection Act. The instant case is within the pecuniary territorial jurisdiction of this commission. Hence this commission has ample power to try this case. Complainant invested money to O.P. Nos. 1,2 and 3 hence O.P. Nos. 1, 2 and 3 are liable to refund the matured amount.

Hence, it is ordered

that the case be and the same is allowed exparte against O.P. Nos. 1to 3 and dismissed against O.P. No.4.

The O.P. Nos. 1 ,2 and 3 are directed to pay the matured value in respect of said fixed deposit scheme being A/c. Nos. 60124200454 to 60124200456 dated 20.01.2012 and account No. 60124201426 to 60124201428 dated 13.04.2012 being membership No.60121200283 upon production original certificate and documents of deposit by the complainant, along with interest thereon at the rate of 6% p.a. from the date of maturity till payment of the same within two months from the date of judgment. Failing which the complainant it at liberty to execute a decree according to law.

Let a plain copy of this order be given to the parties free of cost as per CPR, 2005.

Dictated & Corrected by me

Member

Member

Member

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

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