

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

**Complaint Case No. CC/25/2022
(Date of Filing : 03 Feb 2022)**

1. Sri Ratan Das, S/O- Santosh Das

Vill- Moleyapur, PO- Raghunathpur, PS- Baduria, PIN- 743401

North 24 Parganas

.....Complainant(s)

Versus

1. The Director, Humara India Credit Co-operative Society
Limited

Mangal Jyoti, 101, 227/2, PO & PS- AJC Bose Road, Kolkata-
700020

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

Sector Office at Vill & PO & PS- Baduria, PIN- 743401. (1st
Floor of Electric Office)

North 24 Parganas

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

Badamtala, 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 : 13 Oct 2022

Final Order / Judgement

DIST. CONSUMER DISPUTES REDRESAL COMMISSION

NORTH 24 Pgs., BARASAT.

C.C. No. 25/2022

Date of Filing:

03.02.2022

Date of Admission:

11.02.2022

Date of Disposal:

13.10.2022

Complainant/s:-

SRI RATAN DAS, S/o Santosh Das, of Vill. Moleyapur, P.O.
Raghunathpur, P.S. Baduria, District North 24 Parganas, Pin – 743401.

= Vs =

1. THE DIRECTOR, HUMARA INDIA CREDIT CO-OPERATIVE SOCIETY LIMITED, having its registered office at Mangal Jyoti, 101, 227/2, P.O. + P.S. A.J.C. Bose Road, Kolkata – 700020.

2. THE BRANCH MANAGER, HUMARA INDIA CREDIT CO-OPERATIVE SOCIETY LIMITED, Having its Sector Office at Vill. & P.O. + P.S. Baduria, North 24 Parganas, Pin – 743401 (1st Floor of Electric Office)

Opposite Party/s:-

3. THE REGIONAL MANAGER, HUMARA INDIA CREDIT CO-OPERATIVE SOCIETY LIMITED, at Badamtala, Madhyamgram, P.O. & P.S. Madhyamgram, Kolkata – 700129, District North 24 Parganas.

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. Monisha Shaw Member.**

 :- **Sri Abhijit Basu..... Member.**

JUDGMENT

This complaint is filed by the Complainant u/s 35 of the Consumer Protection Act, 2019 as amended up to date alleging deficiency in service as well as unfair trade practice against the OPs as the OPs did not take any step to redress his grievance till filing of this complaint.

The brief fact of the complaint is that the Complainant, (Sri Ratan Das) deposited in Golden VM F36 fixed deposit Scheme for 36 months and he deposited a sum of Rs. 19,555/- and to that effect the O.P. No. 2 issued a No. Certificate being No.605001675051, being account no.68726400603 being Membership No. 668726000238 dated 30/05/2016 (as per Complainant's version). The Complainant went to the Sector Office located at Vill. & P.O. + P.S. Baduria, North 24 Parganas, Pin – 743401 (1st Floor of Electric Office) and requested to the OP No.2 to refund the matured amount which was deposited by the Complainant, as early as possible but the OP No.2 refused to pay the amount in question unless or until the maturity date is over.

The Complainant further stated that he went repeatedly to the Office of the OP No.2 but the OP No.2 neglected to pay his attention. After sometimes the Complainant sent a legal notice on 21.12.2020 to the OP Nos. 1 to 3 once again requesting to disburse entire matured amount in respect of their fixed deposit mentioned in the schedule below but inspite of receiving the said notice the OPs did not bother to reply and comply the same.

Having no other alternative, the Complainant lodged this case on 03.02.2022. It is evident from the record that the OP Nos.1 to 3 had received the notices.

Contd. To Page No. 2/

:: 2 ::

C.C. No. 25/2022

From the record it appears that on 13.04.2022, OP No 4 filed W/V by way of speed post then after ops did not move or appeared before this Commission. In the W/V the O.P. members denied partly and agreed partly.

Considering the written complaint the W/V and also the evidence of the Complainant and the submissions it is found that the Complainant has proved his case that he invested the amount as per the certificates mentioned in the complaint but thereafter the O.P. Nos. 1 to 3 failed and neglected to pay the matured value of the certificates. There is no evidence to the contrary to disbelieve the Complainant's evidence and therefore it can safely be found that the Complainant has established his case and is entitled to get the decree as prayed for.

There is no relief claimed against the O.P. No. 4 / SEBI and therefore the case is liable to be dismissed as against O.P. No. 4.

Prayer of the Complainants:-

- a. The OP Nos. 1 to 3 jointly or severally be directed to pay the matured value in Golden VM F36 fixed deposit Scheme for 36 months and he deposited a sum of Rs. 19,555/- and to that effect the O.P. No. 2 issued a No. Certificate being No.605001675051, being account no. 68726400603 being Membership No. 668726000238 dated 30/05/2016 of the with interest.
- b. The OPs are directed to pay the total amount on the different heads along with compensation.
- c. The OPs are directed to pay Rs. 1,00,000/- towards mental agony, pain and unnecessary harassment and litigation cost of Rs. 10,000/-.
- d. Pass any other order / orders as the Ld. District Commission may deemed fit and proper in the fact and circumstances of the case.

Following issued were framed for the purpose of decision:-

- a. Whether the complaint is maintainable or not?
- b. Whether the Complainant is entitled to get relief / reliefs in this case.

Decision with reasons:-

Considering the facts and circumstances as well as nature and character of this case all the points are interlinked to each other and as such all the points are taken up together for consideration for the sake of brevity and convenience.

On perusal of the materials along with the supporting affidavit related to documents available in the case record as well as hearing of argument by the Ld.

Advocate for the Complainant, it is revealed that the Complainant deposited amount of Rs. 38,110/- to the OPs. Here the status of the OPs is service provider and the Complainant being a customer of the OPs so the Complainant becomes a consumer as per Consumer Protection Act, 2019. The Complainant resides at Vill. & P.O. Taragunia, P.S. Baduria, District North 24 Parganas, Pin – 743401 and the OP No.2 is situated within the District of North 24 Parganas and the claimed amount does not exceed the pecuniary limit of this Commission. Therefore, this Commission has ample power to try this case.

Contd. To Page No. 3/-

:: 3 ::

C.C. No. 25/2022

We have perused the complaint on affidavit filed by the Complainant. We have perused the copy of the money receipt along with copy of the certificate which was provided by the O.P members with the supporting affidavit and other documents filed by the Complainant. On perusal of the aforesaid materials it appears that the Complainant paid Rs. 38,110/- on 15/02/2017 and the maturity period was 15.08.2019. Since the O.Ps did not refund the maturity amount to the Complainant, as such there is deficiency in service on part of the O.Ps.

The discussed points bear positive results. As such we are of the view that the Complainant is entitled to receive her deposited amount with interest and she is also entitled to other relief/reliefs and that will be reflected in the ordering portion.

Thus all the points are disposed of accordingly.

Hence, for ends of justice:

It is

Ordered

That the case **being no.CC-25/2022 be and the same is** allowed on contest against the O.P. Nos. 1 to 3 and dismissed against O.P. No. 4.

The Complainant Sri Ratan Das do get a decree of her deposited amount in Golden VM F36 fixed deposit Scheme for 36 months and he deposited a sum of Rs. 19,555/- and to that effect the O.P. No. 2 issued a No. Certificate being No.605001675051, being account no.68726400603 being Membership No. 668726000238 dated 30/05/2016 matured amount with 5% interest from the deposition date of the said amount from the O.P. No.1 to 3 within 02 (two) months from the delivery of judgment failing which the Complainant do get maturity amount i.e Rs. 30,036/- with another 6% interest thereon from the date of filing of this case till payment.

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 as per the CPR, 2005.

Dictated & Corrected by

Member

Member
Member

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

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