

**DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION-V, NORTH-WEST GOVT. OF
NCT OF DELHI
CSC-BLOCK-C, POCKET-C, SHALIMAR BAGH, DELHI-110088.**

**Complaint Case No. CC/352/2022
(Date of Filing : 25 May 2022)**

1. PARMATMA PRASAD

S/O SH.LALLAN PRASAD R/O GALI NO.10-B,JAGATPUR
EXTN.,BURARI,DELHI-110034

.....Complainant(s)

Versus

1. ALLAHABAD BANK

THROUGH ITS BRANACH M ANAGER,BRANCH CODE-
394,1-A,BANARASI DASS ESTATE,TIMARPUR,DELHI-
110034

.....Opp.Party(s)

BEFORE:

NIPUR CHANDNA PRESIDING MEMBER

PRESENT:

Dated : 06 Jun 2024

Final Order / Judgement

MS. NIPUR CHANDNA, MEMBER

ORDER

06.06.2024

1. A complaint under Section 35 of Consumer Protection Act filed alleging deficiency in service on the part of OP. In brief the facts of the complaint are that complainant is having an account with OP vide saving A/c no. 50288233525. It is alleged by the complainant that on various occasion amount has been deducted from his account in total to the tune of Rs. 46,000/- but he did not receive single SMS in respect to the withdrawal of the amount from his bank A/c.

2. It is further alleged by the complainant that he visited his branch for withdrawal of his money and came to know that many transactions has been carried out from his account from different places and he had not received any intimation in respect to the same. The complainant updated his passbook from where he came to know that ten transactions were carried out from his bank account. He lodged the complaint with the Manager of OP Bank as well as with the police in respect to the unauthorized transactions carried out. The complainant also gave written complaint to the Branch Manager of OP along with copy of FIR. The complainant also lodged the complaint with RBI and also escalate the complaint with banking ombudsman. Vide letter dated 27.11.2019 complainant again gave written complaint to ACP Delhi Police, Timarpur. Besides lodging the complaints with various authorities complainant also demanded CCTV footage in respect to the wrongful transactions from OP Bank.

3. It is alleged by the complainant that after intervention of RBI, OP Bank credited the deducted amount in his account but kept hold on it. It is alleged by the complainant that RBI had already issued the guidelines that if the customer made the complaint of the unauthorized transactions within the stipulated period i.e. 15 days from the dispute arises, the unauthorized amount should be returned to him. The complainant approached OP for withdrawal of the shadow amount but OP denied the same. It is alleged by the complainant that despite lodging the complaint before competent authority in respect to the unauthorized transactions in question and taking all possible steps to comply the guidelines issued by RBI, OP arbitrarily withheld the amount with him thereby denying the withdrawal to the complainant. This act of OP is squarely covered under the definition of deficiency in service, hence, this complaint.

4. Notice of the complaint was sent to OP. Despite service none appeared on behalf of OP as such OP is ordered to be proceeded ex-parte vide order dated 24.03.2023.

5. Complainant filed his ex-parte evidence by way of affidavit as well as written arguments.

6. We have heard the arguments advance at the bar by complainant and have perused the record. Complainant has placed on record copy of Statement of Saving Bank account, copy of complaint, copy of DD entry 16B dated 27.11.2019, copy of letter dated 15.09.2020 issued by OP, copy of letter dated 18.10.2019 to ACP Delhi Police, Timarpur, copy of letter dated 26.10.2020 written to RBI, copy of order dated 10.02.2020 of RBI in support of his contention.

7. We have carefully gone through the record and found that vide letter dated 15.09.2020 the OP Bank admitted that complainant has lodged the complaint dated 09.10.2019 in respect to the ten unauthorized withdrawal from his Account. It is further stated in the letter that after receiving the complaint the bank escalated the matter with the ATM back office Mumbai on 10.10.2019, the bank also take up the matter with other banks from whom the alleged fraud was carried out for resolving the complaint. Against the communication of OP Bank the other banks provides only the details SMS in respect to the unauthorized transactions carried out, however, the banks were unable to provide the CCTV footage as well as the charge back up for refund of the money and as such the OP Bank marked hold till the final outcome of the investigation. The RBI ombudsman also closed the complaint of the complainant without giving any decision on it. It is further stated by OP in the letter that due to non receipt of the requisite information by the concerned bank, the shadow credit balance of Rs. 46,000/- is not released in favor of the complainant. Thereafter the OP Bank further stated in the letter that it had again escalated the matters with other banks for redressal.

8. The bare perusal of the letter dated 15.09.2020 makes it clear that the OP Bank failed to investigate the transactions in question and also further linger on the issue by stating that it was again going to escalate the complaint with competent authority for redressal.

9. Admittedly, the complainant has knocked the door of OP Bank, police authority as well as the RBI as per the guidelines issued by RBI which compelled the OP Bank to

credit the shadow balance of Rs. 46,000/- in his account but thereafter the OP Bank failed to investigate the claim and withhold the amount of Rs. 46,000/- with it under the lame excuse of further escalation of the complaint with competent authority. Besides letter dated 15.09.2020 no further communication was carried out by OP Bank with the complainant thereby informing him the status of his complaint. In a compelling situation complainant approached this Commission for redressal of his grievance after getting disappointed from the OP Bank as well as police authorities and banking ombudsman. In the present complaint notices were issued to the OP Bank but OP Bank did not bother to appear and update the status of the complaint in question. The entire act and conduct of the officials of the OP sets a glaring example of deficiency in service on their part.

9. Holding OP bank guilty of deficiency in service we direct it as under:

- i) refund to the complainant a sum of Rs. 46,000/- along with interest @ 6% p.a from the date of filing of the present complaint i.e. 25.05.2022 till realization.
- ii) pay to the complainant a sum of Rs. 15,000/- on account of pain and mental agony suffered by him which will also include cost of litigation.

10. OP is directed to comply the order within 30 days from the date of receipt of this order failing which OP1 is liable to pay to the complainant interest @9% per annum from the date of non-compliance till realization.

11. Copy of the order be given to the parties free of cost as per order dated 04.04.2022 of Hon'ble State Commission after receiving the application from the parties in the registry. Order be uploaded on www.confonet.nic.in.

Announced in open Commission on **06.06.2024**.

Sanjay Kumar

President

Nipur Chandna

Member

Rajesh

Member

**[NIPUR CHANDNA]
PRESIDING MEMBER**