

**BEFORE THE GOA STATE CONSUMER DISPUTES  
REDRESSAL COMMISSION,  
PANAJI-GOA**

In the matter of First Appeal 36 of 2023 in Consumer  
Complaint 55 of 2023.

**Before: Adv. Mrs. Varsha R. Bale, Officiating President  
Adv. Ms. Rachna Anna Maria Gonsalves, Member**

Raisa X Dias,  
c/o Ivo Dias,  
Flat No. B4/3, "Sapana Village",  
Peddem, Karaswada, Mapusa,  
P.O. Tivim Industrial Estate,  
Goa. 403526.

.....Appellant

**V.**

The Governor,  
Reserve Bank of India,  
Office of the Reserve Bank of India,  
7<sup>th</sup> Floor, Gera Imperium-II,  
Patto, Panaji, Goa. 403001

.....Respondent-1

The Branch Manager,  
State Bank of India,  
Vaishya Bhavan,  
Mapusa, Bardez, Goa. 403507

.....Respondent-2

*P.O.A. of Appellant present in person.*

*Respondents absent.*

**DATE: 10/06/2024**

## **JUDGMENT**

[per Adv. Mrs. Varsha R. Bale, Officiating President]

1. This Appeal is directed against the Order dated 27/09/2023 passed by the District Consumer Commission, North Goa. ('The District Commission' for short) in CC No. 55/2023. The Appellant was the Complainant and the Respondents were the Opposite Parties (OPs for short) in the said Complaint.
2. The Complaint has been rejected at the stage of admission. The District Commission observed that the reliefs which are sought by the Complainant are in the nature of issuing direction to OPs and the District Commission has no power to issue any directions to OP-1 which is the Reserve Bank of India and the Branch Manager SBI, Mapusa as they are bound by their own Rules and Regulations and the allegation of the deficiency of service and the alleged unethical business practices by the OPs is not shown by way of any documents even prima facie. The District Commission therefore held that the question of mental, physical and financial loss to the Complainant does not arise and the entire Complaint does not point out anywhere any cause of action and it is totally hopeless and non-maintainable in nature and therefore dismissed at admission stage. Complainant is aggrieved by the Impugned Order.
3. The Complainant filed the Written Arguments. In spite of opportunity granted the OPs failed to appear to file Written Arguments and also Final Arguments. We have heard the Oral Arguments on behalf of P.O.A. of Complainant.

4. We have gone through the entire material on record.
5. That the Complainant had deposited an amount of Rs.3 Lakhs in SBI, Mapusa, which was credited to her savings account on 30/03/2021 based on which she had applied for units pertaining to M/s Birla Multi Cap Mutual Fund through cheques pertaining to the saving account. The cheques however came to be dishonored by the SBI 'refer to drawer' inspite of availability of funds. Then the matter was referred to the Banking Ombudsman and the same was disposed off and an amount of Rs.2,000/- was credited to the saving account by way of compensation to the Complainant. but the debit card is not activated till date and SBI is not allowing access to the funds in the account and therefore complaint was filed before District Commission, North.
6. That even after the Order of Ombudsman the Complainant has not been allowed access to her personal funds, inspite of availability of funds in the account. The said question ought to have been decided by the District Commission on merits after admitting the complaint. What we have also observed, we also find it pertinent to note that there is nothing hopeless in the Complaint as per the findings of the District Commission, North and we ought to remind the District Commission, North that CPA is a beneficial legislation pro consumers wherein the rights of consumers infringed upon ought not to escape the law prescribed and such dismissal without proper application of the Act and mind can lead to consumers being deterred to knock the doors of justice. In the circumstances above,

the Impugned Order rejecting the complaint at the stage of admission itself is illegal and cannot be sustained.

7. In the result, we pass the following:

## **ORDER**

- a) Appeal is allowed.
- b) The Impugned Order dated 27/09/2023 of District Commission, North is quashed and set aside.
- c) The complaint is admitted and the District Commission shall issue notice to both the OPs to appear and file their Written Version in accordance with the provisions of the CP Act 2019.
- d) Parties to appear before the District Commission, North on 26/06/2023 at 10:30 a.m.
- e) Pronounced in Open Court.
- f) Proceedings in the matter stands closed.

**[Adv. Mrs. Varsha R. Bale]  
Officiating President**

**[Adv. Ms. Rachna Anna Maria Gonsalves]  
Member**

**SN**