

Date of filing: 01.12.2023
Date of Disposal: 20.06.2024

**BEFORE THE III ADDITIONAL BANGALORE URBAN
DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION,
BENGALURU - 560 027.**

DATED THIS THE 20TH DAY OF JUNE 2024

CONSUMER COMPLAINT NO: 347/2023

PRESENT:

SRI. SHIVARAMAK : PRESIDENT

SMT. REKHA SAYANNVAR : MEMBER

1. Sri. G. Puttaswamy,
Aged about 51 years,
No.506, 15th Main, SBM Colony,
Srinivasanagar,
Bangalore-560050. **COMPLAINANT**
(Party-in-person)

V/s

1. The Manager,
Union Bank of India,
No.22, Srinagar Branch,
Bengaluru-560050. **OPPOSITE PARTY**
(Ex-parte)

// JUDGEMENT //

BY SRI.SHIVARAMA K, PRESIDENT

1. Complainant has filed this complaint U/Sec. 35 of C.P. Act,
2019 for a direction to opposite party to reimburse the amount



- of Rs.8 Lakh and such other relief as this commission deems fit in the circumstances of the case.
2. Even though, op was served with notice, opposite party remained absent.
 3. It is the case of the complainant that on 26.04.2023, he had inserted the ATM card at opposite party Bank ATM counter in two times for Rs.5,000/- and Rs.3,000/-, the money did not come but his Savings Bank Account was deducted that much of amount. In spite of several E-mail correspondence been made opposite party did not resolve the issue. Hence, the complaint.
 4. To prove the case the complainant (PW-1) has filed affidavit by way of his evidence in chief and got marked EX-P1 to P3 documents.
 5. Heard the complainant.
 6. The points that would arise for consideration are as under:
 - i) Whether the complainant proves deficiency of service on the part of opposite party?
 - ii) Whether the complainant is entitle for the relief sought?
 - iii) To what order?

REASONS

7. **Point No.1 & 2** : In order to avoid the repetition of facts, we have discussed both the points together. PW-1 has reiterated the fact stated in the complaint, in the affidavit filed by way of his evidence in chief. In support of the oral evidence



complainant has produced the E-mail correspondence made with opposite party vide EX-P1. On perusal of EX-P1 it appears that on 15th May 2023 the complainant had sent an E-mail to opposite party stating that he had inserted the ATM card to withdraw the amount of Rs.3,000/- and Rs.5,000/- on 26.04.2023, but the money did not come. Further, the complainant had also sent another mail on 19.05.2023, seeking the op to resolve the issue at the earliest. Accordingly, he had also sent e-mail to op on 22.05.2023, 13.06.2023, 14.06.2023 and 15.06.2023 seeking to solve the problem.

8. Further, on the perusal of the Xerox copy of Bank statement produced by the complainant it appears that on 26.04.2023 Rs.5,000/- and Rs.3,000/- was deducted from the account of the complainant. Opposite party did not challenge the above said oral and documentary evidence. The above said unchallenged evidence of the complainant infers that the above said mistake was on the part of the opposite party bank. Therefore, the liability of the complainant is zero as per the guidelines issued by RBI in DBR No.Leg.BC.78/09.07.005/2017-18 dated July 6, 2017.
9. The complainant claimed for the reimbursement of the said amount. We feel the complainant is entitling for the same. Further, since opposite party did not resolve the issue, the complainant suffered mental agony and the act of opposite party made the complainant to approach this commission. Hence, complainant is entitle for a sum of Rs.3,000/- in




addition to the above said amount. Accordingly, we answer Point No.1 in affirmative and Point No.2 partly in affirmative.

10. **Point No.3:** In view of the discussions made above, we proceed to pass the following order.

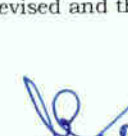
ORDER

1. Complaint is allowed in part.
2. Opposite party is directed to reimburse the amount of Rs.8,000/- with interest at the rate of 9% per annum from 26.04.2023 till realization and to pay a total sum of Rs.3,000/- towards mental agony and litigation cost.
3. Opposite party shall comply the order within 45 days. In case, opposite party fails to comply the same within the above said period, the above said amount of Rs.3,000/- carries interest at the rate of 9% per annum from the date of order till realization.
4. Applications pending, if any, stands disposed of in terms of the aforesaid judgment.
5. Supply free copy of this order to both the parties.

(Dictated to the Stenographer, typed by her, the transcript corrected, revised and then pronounced in the open commission on 20th day of June 2024).


20/06/2024.

(REKHA SAYANNAVAR)
MEMBER


20/06/24

(SHIVARAMA. K)
PRESIDENT

//ANNEXURE//

Witness examined for the complainant's side:

The complainant (PW-1) files evidence.

Documents produced for the complainant's side:

1. Copy of E-mail regard to proof of complaint registered with Bank. Ex-P1
2. Copy of cancelled cheque. Ex-P2
3. Copy of Aadhar card. EX-P3

Witness examined for the opposite party side:

-Nil-

Documents marked for the opposite party side:

-Nil-


20/06/2024.
(REKHA SAYANNAVAR)
MEMBER


20/06/24
(SHIVARAMA. K)
PRESIDENT

