

**Heading1**  
**Heading2**

**Complaint Case No. CC/10/2011**  
**( Date of Filing : 03 Jan 2011 )**

1. SHASHI VATAN

.....Complainant(s)

Versus

1. VIJAYA BANK

.....Opp.Party(s)

**BEFORE:**

**HON'BLE MR. SH,SURESH KUMAR GUPTA PRESIDENT**  
**HON'BLE MS. HARSHALI KAUR MEMBER**  
**HON'BLE MR. RAMESH CHAND YADAV MEMBER**

**PRESENT:** None

.....for the Complainant

**Dated : 17 May 2024**

**Final Order / Judgement**

**CONSUMER DISPUTES REDRESSAL COMMISSION-VII**

**DISTRICT: SOUTH-WEST**

**GOVERNMENT OF NCT OF DELHI**

**FIRST FLOOR, PANDIT DEEP CHAND SHARMA SAHKAR BHAWAN**

**SECTOR-20, DWARKA, NEW DELHI-110077**

**CASE NO.CC/10/11**

**Date of Institution:- 07.01.2011**

**Order Reserved on:- 15.04.2024**

**Date of Decision:- 17.05.2024**

**IN THE MATTER OF:**

Mrs.ShashiVatan

C-3, JVTSGarden,

Chattarpur Extension,

New Delhi - 110074

..... Complainant

**VERSUS****The Branch Manager**

Vijaya Bank,

L-92/3, Munirka, R. K. Puram,

New Delhi

.....Opposite Party

**Suresh Kumar Gupta, President**

1. The complainant has filed the complaint under section 12 of Consumer Protection Act, 1986 (hereinafter referred to as Act) with the allegations that on 10.06.2000 she has opened bank account with OP which has issued account no.601101010016639. The OP has committed negligence in the services and also indulged in unfair trade practice. The OP has infringed model policy for bank deposits by not maintaining the secrecy of the account of the customers. The OP shall not disclose the details of the particulars of the customer account to a third person without express or implied consent of customer. The OP has violated model policy of banking by issuing her bank account statement from time to time to third person especially her estranged husband Sh. Ajay Vatan despite her clear instructions dated 16.08.2008 who has even remained under Police custody for the embezzlement of amount when he was Treasury Officer at Tis Hazari Court, Delhi The OP has issued her statement of account to her husband and filed the same before Hon'ble High Court of Delhi as well as District Courts which caused irreparable loss as well as mental harassment to her. The statement of account procured on 07.05.2010 is annexed with the complaint. A legal notice dated 31.05.2010 was issued to the OP to which vague reply was given by the OP. She has written application dated 03.06.2010 to GM of OP, Banking Ombudsman. She has received the reply but no action was taken. She was not supplied ATM card despite the fact that she has personally handed over duly filled ATM form on 30.06.2010 to OP and even a reminder dated 24.07.2010 was issued but without any result. The OP has not changed the address despite her written request dated 01.02.2008 with subsequent letters dated 03.06.2010 and 09.07.2010. The OP has deliberately infringed her secrecy and confidentiality by issuing banks statement without her consent to her husband. Hence, this complaint.

2. The OP has filed the reply wherein preliminary objections qua jurisdiction, locus standii, cause of action, maintainability, limitation, misjoinder and non-joinder of parties are taken. All actions of the OP are protected under section 131 negotiable instruments Act, 1881. The complainant is having a bank account with OP. The OP is maintaining secrecy of the account holder. The OP has not given any statement of the account of the complainant to any unauthorized person. Mr. Ajay Vatan was having bank account no.16216 which have been closed on 04.01.2003. A legal notice dated 31.05.2010 was received from the

complainant which was duly replied. No reminder dated 24.07.2010 was issued by the complainant. ATM card no.4213416011012591 has already been issued to the complainant after completing the formalities but the complainant has to go to the bank to collect the same as ATM cum Debit card holder is required to sign in the register maintained by the bank in the usual course of the business. The complainant has failed to provide the proof of new address with the request letter dated 03.06.2008. The address was changed on the receipt of proof of new address as per KYC norms. There is no merit in the complaint.

3. The complainant has filed rejoinder wherein she has denied the averments of written statement and reiterated the stand taken in the complaint.
4. The parties were directed to lead the evidence.
5. The complainant has filed her own affidavit in evidence and corroborated the version of complaint and placed reliance on the documents annexed with the complaint.
6. The OP has filed the affidavit of Sh. Umesh Chand Sharma, Assistant Manager, in evidence wherein he has stated that complainant is maintaining a bank account with OP which has not been in operation since 03.05.2008. The copy of the statement of account was not supplied to anyone except complainant. The OP has not committed any breach of trust or violated Model Policy of Banking by issuing statement of account to unauthorized person especially Mr. Ajay Vatan.
7. The parties did not appear on 15.04.2014. The case was reserved for orders as it pertains to year 2011.
8. The perusal of the entire material on record shows that complainant is having bank account with OP. The husband of complainant was also maintaining the bank account with OP which he has closed on 04.01.2003.
9. The complainant has given letter Annexure-A dated 16.08.2008 to the Bank to explain how her husband has been quoting payment of some amount to the counsel while submitting documents in the court of Sh. V. K. Gautam, Ld. MM, Patiala House. The bank has committed breach of secrecy and she has sought the reply as to who is responsible for supplying the information to her husband.

10. She has also given a letter dated 01.02.2008 to the OP for the change of address but address was not changed on the basis of this letter.
  
11. This letter is dated 16.08.2008. The cause of action on the basis of this letter arose on 16.08.2008. The letter for the change of address is dated 01.02.2008 so cause of action arose on 01.02.2008. The complaint has been filed on 07.01.2011. The complaint should have been filed within two years from the date of cause of action. The complaint for these cause of actions is barred by limitation as complaint is not supported by an application for the condonation of delay.
12. The next issue that arises is qua the statement of account issued on 07.05.2010. The evidence on the record shows that statement of account is Annexure-B. The evidence shows that the husband of the complainant has filed this statement of account in Hon'ble High Court of Delhi as well as in the District Courts in the legal proceedings between them. It is clear from Annexure-A that complainant has earlier raised an objection regarding supply of information of her bank statement to her husband. The statement of account Annexure-B shows the date and time of the issuance of the bank statement of the account of the complainant. The OP has denied the issuance of such statement. The time and date on the statement of account shows that it was issued from the bank i.e. OP. Mere denial on the part of OP is not enough when there is clear cut allegation against the OP from the complainant.
  
13. The bank statements offer valuable insight into the financial behavior like saving, borrowing, investing and expenditure of the account holder. The bank statement also contains sensitive information such as bank account number and branch name of the account holder. The bank only releases the bank statement to the account holder and even spouse cannot view the statement without the consent of the account holder. The relations of the complainant with her husband is not cordial as litigation is going between them. The bank statement Annexure-B shows the date 07.05.2010 and time 15.32.45 with all the details of the bank and account holder. It shows that the statement has been generated during the working hours of the OP. The statement must have been supplied by some officials of the OP. The RBI guidelines and Banking Rules show that OP could not have given the statement of account to a third party without the consent of the complainant. The statement has been issued by the OP which is clearly an invasion of the privacy of the account of the complainant. The OP has even committed criminal breach of trust. This act of the OP tantamounts to deficiency of service.
  
14. The evidence on the record shows that complainant has applied for ATM card on 30.06.2010. She has issued a letter dated 24.07.2010 Annexure-G to OP for the change of address as well as for the issuance of ATM card. The reply of the OP shows that ATM card was prepared but complainant did not come to take the same from the Bank as she was

supposed to sign the register before taking the card. The OP has led the evidence and filed the affidavit and counter affidavit wherein this fact is not incorporated. There is no evidence to this effect so averment in the written statement without any evidence cannot be relied upon as pleadings without evidence cannot be relied upon. The OP has not issued the ATM card to the complainant despite the receipt of letter and reminder. The OP did not inform the complainant that ATM card is ready which can be collected from the branch on any working day. All this shows that there is deficiency of service on the part of OP.

15. In view of our aforesaid discussion, the complaint of the complainant is allowed to the effect that OP shall pay compensation for mental harassment and litigation expenses of Rs.1,00,000/- along with an interest @7% p.a. from the date of filing the complaint i.e. 20.01.2014 till its realization to the complainant. The OP is directed to comply with the order within 45 days from the receipt of the order.

- A copy of this order is to be sent to all the parties as per rule.
- File be consigned to record room.
- Announced in the open court on 17.05.2024.

**[HON'BLE MR. SH,SURESH KUMAR GUPTA]  
PRESIDENT**

**[HON'BLE MS. HARSHALI KAUR]  
MEMBER**

**[HON'BLE MR. RAMESH CHAND YADAV]  
MEMBER**