

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 1389 OF 2017

(Against the Order dated 28/04/2017 in Appeal No. 1185/2013 of the State Commission West Bengal)

1. DWIJENDRA LAL SINHA & ANR.
47, MAHENDRA BANERJEE ROAD, P.O. & P.S.
PARANSHREE, BEHALA,
KOLKATA-700060
WEST BENGAL

2. AJOY KUAMR SINHA,
47, MAHENDRA BANERJEE ROAD, P.O. + P.S.
PARNASHREE, BEHALA,
KOLKATA-700060
WEST BENGAL

.....Petitioner(s)

Versus

1. BRACH MANAGER, UCO BANK & ANR.
RABINDRANAGAR BRANCH, 173 MAHARANI
INDIRA DEVI ROAD, P.O. & P.S. PARNASHREE
BEHALA,
KOLKATA-700060
WEST BENGAL

2. THE GENERAL MANAGER, UCO BANK,
OPREATIONS & SERVICES DAPARTMENT 3 & 4,
DD BLOCK SECTOR 1, SALT LAKE,
KOLKATA-700064
WEST BENGAL

.....Respondent(s)

BEFORE:

**HON'BLE MR. JUSTICE AJIT BHARIHOKE, PRESIDING MEMBER
HON'BLE MR. ANUP K THAKUR, MEMBER**

For the Petitioner : Petitioner No.2 in person
 Alongwith Mr. Bhaskar Roy, Advocate

For the Respondent :

Dated : 01 Aug 2017

ORDER

This revision is directed against the order of the State Commission, West Bengal dated 28.4.2017 in first appeal No.A/1185/2013.

2. De-hors unnecessary details relevant facts for the disposal of the revision petition are that the petitioners had a fixed deposit account in the opposite party bank. The opposite party bank deducted 10% income tax on the accrued interest of the fixed deposits ignoring the form 15-H allegedly submitted by the petitioners/complainants. It is the case of the complainants that even the TDS certificate regarding the deduction of income tax on the interest was not issued. Claiming this to be deficiency in service, the complainants approached the District Forum, Alipore, Kolkata with the consumer complaint.

3. The consumer complaint was resisted by the opposite party bank. The District Forum on consideration of pleadings and the evidence allowed the complaint and directed the opposite party as under: -

“ That the case being CC No.123 of 2013 be and the same is decreed on contest with cost of Rs.2,000/- against the OP.

The OP is directed to refund the sum of Rs.209/-, pay cost of Rs.2,000/- and the compensation of Rs.5,000/- totaling to Rs.7,209/- to the complainant within seven days from this date failing which the said amount shall carry interest @ 10% p.a. from the date of default till realization.

The OP Bank is also directed to pay penalty of Rs.1,00,000/- out of which Rs.10,000/- to be paid to the complainant and the rest amount of Rs.90,000/- to be deposited with the Consumer Welfare Fund within seven days from this date.

The bank authority is at liberty to realize the above amount from the staff/person concerned who is actually responsible to such misdeeds.

Let a plain copy of this judgment be supplied to the parties free of cost as per rule.”

4. Being aggrieved by the order of the District Forum, the opposite party bank preferred appeal in the State Commission, West Bengal. The State Commission on re-appreciation of the facts and the evidence allowed the appeal in part and ordered thus: -

“Appellants shall jointly and severally pay a sum of Rs.2,000/- and Rs.5,000/- as cost and compensation, respectively to the respondents within 45 days hence. Appellants are further directed to send error free TDS certificate to the appellants within the afore mentioned period.”

5. On reading of the operative portion of the order passed by the State Commission it is clear that the State Commission has basically reduced the amount of compensation/penalty and instead of Rs.209/- to the petitioners, has directed that the opposite party bank shall an appropriate TDS certificate to the complainants. Being aggrieved of the order of the State Commission, the complainants have filed the instant revision petition.

6. Learned counsel for the petitioners contends that the State Commission has fallen in error in directing the opposite party bank to issue error free TDS certificate instead of refunding Rs.209/-. There is no other grievance against the impugned order. Looking into the fact that the complainants have approached the highest forum for a trivial amount of Rs.209/-, we refuse to exercise the revisional jurisdiction particularly when the respondent bank has been directed to send error free TDS certificate to the petitioners.

7. In view of the discussion above, revision petition is dismissed.

.....J
AJIT BHARIHOKE
PRESIDING MEMBER

.....
ANUP K THAKUR
MEMBER