

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 3026 OF 2014

(Against the Order dated 09/04/2014 in Appeal No. 862/2013 of the State Commission Andhra Pradesh)

1. HARI KUMAR RAJU

S/O A.KRISHNA MURTHYY RAJU, R/O 54-MIG IST
PHASE, 1ST ROAD KPHB COLONY, KAKATPALLY,
HYDERABAD - 500 058

A.P

.....Petitioner(s)

Versus

1. THE MANAGING DIRECTOR, ICICI BANK LTD &
ANR.

"LAND MARK: RACE COURSE CIRCLE,
VADODARA - 390 007
GUJARAT

2. THE BRANCH MANAGER, ICICI BANK, ICICI
TOWERS,

BEGUMPET BRANCH, BEGUMPET,
HYDERABAD - 500 016

A.P

.....Respondent(s)

BEFORE:

**HON'BLE MR. JUSTICE D.K. JAIN, PRESIDENT
HON'BLE MRS. M. SHREESHA, MEMBER**

For the Petitioner : Mr. A. V. S. Raju, Advocate

For the Respondent : MR. PUNIT K. BHALLA

Dated : 03 Aug 2017

ORDER

By this Revision Petition, under Section 21(b) of the Consumer Protection Act, 1986 (for short "the Act"), the Complainant questions the correctness and legality of the order dated 09.04.2014, passed by the Andhra Pradesh State Consumer Disputes Redressal Commission at Hyderabad (for short "the State Commission") in First Appeal No.862 of 2013. By the impugned order, the State Commission has

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affirmed the order dated 05.08.2013, passed by the District Consumer Disputes Redressal Forum – II, Hyderabad (for short "the District Forum") in Complaint No.627 of 2012.

By the said order, while accepting the Complaint filed by the Petitioner herein, alleging deficiency in service on the part of the Respondent Bank, namely, ICICI Bank, on account of delay of 45 days on its part in returning the original documents, deposited by the Petitioner with the said Bank at the time of availing a housing loan, the District Forum had directed the Bank to pay to the Complainant a sum of 5,000/- for the said delay, and the litigation costs, quantified at 1,000/-, as against the claim of 17,78,084/- made in the Complaint. Both the Fora below have come to the conclusion that the Petitioner had failed to file cogent evidence, to substantiate the afore-said claim made as damages for the delay in release of the documents.

Having heard learned Counsel for the Petitioner and the Bank, we are in agreement with the Fora below that except for the bald assertion in paragraph (5) of the Complaint to the effect that because of the delay in release of the documents by the Bank, another Finance Company, viz., Cholamandalam did not release the balance amount of 12,00,000/- for his proposed business and thus, he suffered the afore-noted loss, no other cogent evidence had been adduced by Complainant to prove the quantum of the loss suffered by him.

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Nevertheless, we are of the opinion that being a valuable security, the Bank was under an obligation to keep the documents in safe custody and return the same on discharge of its debt by the loanee. The fact that the original documents were not traceable because these were tagged with the documents of some other loan account, as claimed by the Bank in its Written Version, does amount to deficiency in service on the part of the Bank towards the Petitioner, as rightly held by both the Fora below.

In that view of the matter, we are of the opinion that the compensation awarded to the Complainant by the lower Fora, deserves to be enhanced. In our view, award of compensation of 25,000/- in favour of the Complainant for the harassment suffered by him, would meet the ends of justice. We order accordingly.

The amount due to the Petitioner in terms of this order and the orders passed by the Fora below, if not already paid to the Petitioner, shall be remitted by the Bank directly to him by means of a Demand Draft, within four weeks from the date of receipt of a copy of this order. If the Bank fails to remit the said amount within the time granted, it shall be liable to pay interest @ 9% p.a. on the said amount from the date of this order till actual realization.

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The Revision Petition stands disposed of in the above terms, with no order as to costs.

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D.K. JAIN
PRESIDENT

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M. SHREESHA
MEMBER