

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI**

REVISION PETITION NO. 3734 OF 2014

(Against the Order dated 22/07/2014 in Appeal No. 856/2009 of the State Commission Delhi)

1. HDFC BANK LIMITED

HAVING ITS REGISTERED OFFICE AT: SANDOZ
HOUSE ,DOCTOR A.B ROAD, WORLI

MUMBAI - 400018

MAHARASHTRA

.....Petitioner(s)

Versus

1. RAMBIR SINGH

51/6 ARYA NAGAR, NEAR DAYANAND VIHAR

DELHI - 92

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE D.K. JAIN,PRESIDENT

HON'BLE MRS. M. SHREESHA,MEMBER

For the Petitioner : Mr. Punit K. Bhalla, Advocate

For the Respondent : Mr. R. B. S. Chauhan, Advocate

Dated : 03 Aug 2017

ORDER

Challenge in this Revision Petition, under Section 21(b) of the Consumer Protection Act, 1986 (for short "the Act"), by HDFC Bank Limited, the sole Opposite Party in the Complaint, is to the order dated 22.07.2014, passed by the Delhi State Consumer Disputes Redressal

Commission at New Delhi (for short "the State Commission") in First Appeal No.856 of 2009. By the impugned order, the State Commission has affirmed the order dated 16.04.2007, passed by the

-2-

District Consumer Disputes Redressal Forum (East), Delhi (for short "the District Forum") in Complaint No.61 of 2007. By the said order, while accepting the Complaint filed by the Respondent herein, alleging deficiency in service on the part of the Bank in re-possessing and auctioning the vehicle in question, viz., an old Qualis SUV, which was mortgaged with the Bank by the Respondent for raising a loan of 3,65,000/- without due notice to him, the District Forum had directed the Bank to pay to the Respondent/Complainant a lump sum amount of 1,50,000/-, as full and final settlement of his claim in the Complaint.

The short grievance of the Bank in this Petition, is that in coming to the afore-noted conclusion, both the Forums below have committed material irregularity in ignoring the notice dated 24.11.2006, whereby the Respondent was informed that if he fails to pay an amount of 3,79,891/-, the Bank shall exercise their right to dispose/sell/assign the said vehicle and adjust the proceeds thereof towards the amount due from him.

We have heard Mr. Punit K. Bhalla, and Mr. R.B.S. Chauhan, learned Counsel for the Bank and the Respondent, respectively. We are of the opinion that apart from the fact that the total amount involved in the case is a paltry sum of 1,50,000/-, that too without any interest, even on merits we do not find any material on record to upset the

-3-

concurrent finding returned by both the Fora below that due process of law as enunciated by the Hon'ble Supreme Court, for repossession and auction of the mortgaged assets, had not been adhered to.

As noted above, in support of the submission that before re-possessing the vehicle, the Respondent was duly informed, Bank's letter dated 24.11.2006, is pressed into service. Having carefully perused the said letter, we are of the opinion that the letter cannot be construed as a notice for handing over of possession of the vehicle. At best, it is in the nature of a veiled threat to the Respondent that in case he fails to discharge his debt, the vehicle may be re-possessed and sold by the Bank. Furthermore, in the Written Version filed on behalf of the Bank, in opposition to the Complaint, there is no mention of any date when the vehicle in question was repossessed which is now disclosed to be on 24.11.2006. Similarly, there is no indication as to when Public Notice for auctioning the vehicle was issued. It is now stated that the vehicle was sold on 12.12.2006, i.e., within less than a month of its seizure.

In view of the above, we do not find any Jurisdictional error in the order impugned, warranting interference in our limited Revisional Jurisdiction. Accordingly, the Revision Petition is dismissed, leaving the parties to bear their own costs.

-4-

A sum of 1,50,000/- is stated to have been deposited by the Bank in this Commission in terms of order dated 05.02.2015. The said amount shall be released to the Respondent/Complainant forthwith by means of a Demand Draft drawn in his favour, along with the accrued interest, if any.

The Revision Petition stands disposed of in the above terms.

.....J
D.K. JAIN
PRESIDENT

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M. SHREESHA
MEMBER