

SUB SECTOR OF BANKING

SR. NO	LINK	SECTOR	FACT OF THE CASES	CITATION	FORUM	CASE NO	DATE OF JUDGEMENT	JUDGEMENT WITH THEME
1.	http://164.10.0.72.12/ncdrcrep/judgement/00141105103959273RP37552014.htm	ATM	<p>Brief facts of the case as stated in the consumer complaint filed by the petitioner are that an ATM Debit card (International) was issued to her by the respondent Bank in April 2009, which she had been using till 18.08.2011, when the said card got deactivated. On her request, the Bank issued her a new ATM Card, but the same was not activated. However, the complainant learnt that a third debit card had been issued by the Bank and from the statement of account, it was revealed that a sum of ₹11,33,914/- had been fraudulently withdrawn from her savings account. The complainant, alleging gross negligence and deficiency in service on the part of the respondent Bank, filed the consumer complaint in question with the following prayer:-</p> <p><i>“(i) Refund the said amount of ₹11,33,914/- fraudulent withdrawn from the account of the complainant together with interest @10% from 08.09.2011 till realisation.</i></p> <p><i>(ii) ₹10,00,000/- (Rupees ten lakhs) as compensation for causing damages, mental agony and physical suffering due to negligence and deficiency in service on the part of the opposite parties.</i></p> <p><i>(iii) ₹10,000/- (Rupees ten thousand) as litigation cost and</i></p> <p><i>(iv) Any other relief or reliefs to which the complainant is entitled.”</i></p>	<p>MS. Kumari lama Versus The General Manager, ICICI bank Ltd. & Ors.</p> <p>The General Manager, ICICI Bank Ltd. & Ors. Versus Ms. Kumari Lama</p> <p>Ms. Kumara Lama Versus The General Manager ICICI Bank Ltd. & Ors.</p>	<p>DISTRIC T FORUM DARJEE LING</p> <p>SCDRC KOLKAT A</p> <p>NCDRC</p>	<p>Complaint case no.20/D/2012</p> <p>First appeal no.81/2013</p> <p>Revision petition no. 3755/2014</p>	<p>09/10/2012</p> <p>21/07/2014</p> <p>05/11/2014</p>	<p>The District Forum allowed the complaint and the Bank was directed to refund a sum of ₹11,33,914/- to the complainant alongwith interest @9% p.a. with effect from 08.09.2011 till realisation and further directed to pay a compensation of Rs. 50,000/- and litigation cost of Rs. 8,000/-.</p> <p>State commission allowed the appeal and the order passed by the District Forum was set aside on the ground that the District Forum did not have the pecuniary jurisdiction to deal with the issue because as per section 11(1) of the Consumer Protection Act, 1986, the total amount demanded by the complainant including the compensation exceeded ₹20 lakh.</p> <p>National commission did not find any illegality, irregularity or jurisdictional error in the impugned order passed by the State Commission. The revision petition is, therefore, without any force and is ordered to be dismissed and the impugned order passed by the State Commission upheld with no order as to costs.</p>
2.	http://164.10.0.72.12/ncdrcrep/judgement	INTERNET BANKING	<p>Briefly stated the facts of the case are that the complainant/respondent, Lt. Col. Jagdeep Gahlot (retired) filed the consumer complaint in question under Section 12</p>	<p>Lt. Col Jagdeep Gahlot Versus The Manager, Punjab National Bank & Ors.</p>	<p>DISTRICT FORUM DELHI</p>	<p>Complaint case no. 1638/2009</p>	<p>08/09/2011</p>	<p>The District Forum allowed the complaint and directed the petitioner/OP to refund Rs.45,000/- along with 9% interest till realization, Rs.25,000/- as compensation for harassment and Rs.10,000/- as litigation charges.</p>

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	nt/00140516124003356RP21392013.htm		<p>of the Consumer Protection Act, 1986 before the District Consumer Disputes Redressal Forum-VI, New Delhi, saying that he had two savings bank accounts with the Punjab National Bank (PNB), Sector-14 Branch, Gurgaon jointly with his wife Mrs. Sarla Gahlot. The version of the complainant is that on 04.11.2008, while he was on business trip to Chandigarh, he received a telephonic call from Mr. J.S.Beniwal, Dy. Manager of the petitioner-Bank, stating that two transactions had been made in his two accounts, one for Rs.26, 000/- and the other for Rs.19, 000/- on Internet Banking and the above amounts had been withdrawn from his savings accounts and transferred to some account in Punjab National Bank, Moradabad. On the next day, i.e. 05.11.2008, the complainant met Mr. J.S. Beniwal in the Bank and he was shown the account details, including photograph of the individual who had withdrawn money. He was informed by the Bank that his account had been frozen and his money was safe and was likely to be returned in due course of time. Thereafter, he made a formal request to the Bank on 06.11.2009, followed by reminders for the return of his money, but the Bank did not take any step to return money to his account. The bank lodged an FIR with the Police in the second week of August, 2009 and the investigation was still pending. The bank sent him a letter on 09.10.2009, stating that the fault was of the complainant and the bank was</p>	<p>The Manager, Punjab National Bank & Ors. Versus Lt.Col. Jagdeep Gahlot</p>	<p>SCDRC DELHI</p>	<p>First appeal no. 564/2011</p>	<p>24/01/2013</p>	<p>On the ground of deficiency in service.</p> <p>Dismissed the appeal and upheld the order of district forum on the same ground.</p>
				<p>The Manager, Punjab National Bank & Ors. Versus Lt.Col. Jagdeep Gahlot</p>	<p>NCDRC</p>	<p>Revision petition no. 2139/2013</p>	<p>16/05/2014</p>	<p>National commission allowed the revision petition setting aside the orders of the state commission and district forum. There shall be no order as to cost. On the ground that as per the terms and conditions governing Internet Banking, the Bank was not liable for any loss due to unauthorized transfer of funds through unauthorized access, phishing attacks, and hijack or by way of any other cyber-attacks etc.</p>

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			not accountable for the loss. The complainant filed the consumer complaint in question, requesting for the refund of his money along with interest @ 24% per annum and a compensation of Rs.2.00 lacs for mental harassment etc. and Rs.30,000/- as costs of litigation.					
3.	http://164.10.0.72.12/ncdrcrep/judgement/00141105135632758R36782013.htm	CURRENT ACCOUNT	Brief facts of the case are that Complainant/Petitioner is manufacturer & exporter of engineering goods having current account with Opposite Party/Respondent. In pursuance of an overseas order, Complainant shipped goods vide invoice dated 12.07.2004 and submitted the export documents to Opposite Party for collection, but, Opposite Party failed to collect money and further failed to serve notice of dishonor. Alleging deficiency on the part of the Opposite Party, Complainant filed complaint before District Forum. Opposite Party resisted complaint and submitted that Complainant does not fall within the purview of 'consumer' as Complainant was using current account with Opposite Party for commercial purposes. It was, further, submitted that Complainant changed instructions for collection thrice and prayed for dismissal of complaint. Learned District Forum after hearing both the parties, dismissed the complaint on the ground that transaction in question was a commercial transaction. Appeal filed by the Complainant was dismissed by Learned State Commission vide impugned	M/s. Maya Engineering Work Versus ICICI Bank Ltd. M/s. Maya Engineering Works Versus. ICICI Bank Ltd. M/s. Maya Engineering Works Versus. ICICI Bank Ltd.	DISTRICT FORUM SCDRC DELHI NCDRC	Complaint case no. First appeal no.645/2010 Revision petition no. 3678/2013	 04/09/2013 05/11/2014	The district forum dismissed the complaint on the ground that transaction in question was a commercial transaction. State commission dismissed the appeal and upheld the order of the district forum. National commission dismissed the revision petition with no order to the cost.

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			order against which this Revision Petition has been filed.					
4.	http://164.10.0.72.12/ncdrcrep/judgement/00140304103600972RP412611.htm	CURRENT ACCOUNT	Brief facts in this case, are: The complainant was an Savings Bank account holder of HDFC Bank at Silvasa, Gujarat State and later on he shifted to Salem. He gave a letter to OP in second week of February 2004, to transfer his Savings Bank Accounts and LAS (Current Account) to Salem. The Opposite Party transferred the 2 Savings Bank Accounts, within a week. Regarding the LAS Account, the Opposite Party insisted on signing a new contract. But due to inadequate stamp papers, the Opposite Party did not carry out the same. The Complainant arranged to transfer his holdings to HDFC Bank. In the meantime, shares of some companies have been sold from his account. The Complainant's LAS account was frozen. The Opposite Party insisted that the Complainant should sign a new agreement. Aggrieved by the conduct of OP, who failed to transfer the LAS Account, and sold certain shares of company, without the consent of the Complainant, alleging the negligence and deficiency in service by the OP, the Complainant filed a complaint seeking direction from the District forum against the OP to transfer his (Loan against Securities) LAS Account, to refund Rs.2.55 lakhs for monetary loss and Rs.1 lakh towards compensation and costs in the sum of Rs.2,000/-.	B. Ramakrishnan Versus The Manger, HDFC Bank B. Ramakrishnan Versus The Manager, HDFC Bank B. Ramakrishnan Versus The Manager, HDFC Bank	DISTRICT FORUM SCDRC TAMIL NADU NCDRC	Complaint case no. First appeal no. 531/2007 Revision petition no. 4126/2011	 12/10/2011 22/01/2014	The District Forum allowed complaint and awarded a compensation of Rs.20, 000/- and directed the Opposite Party to transfer the Complainant's LAS Account, after observing official formalities. On the ground that the alleged the negligence and deficiency in service by the OP. State commission dismissed the appeal by enhancement of compensation. National commission dismissed the revision petition with no order as to costs. On the ground that it has no jurisdiction under the Consumer Protection Act. NCDRC viewed fortified by a recent judgment of this Commission reported in Vijay Kumar Vs. IndusInd Bank, 11 (2012) CPJ 181 (NC) . Therefore, the complainant should seek the remedy through appropriate Forum.
5.	http://164.10	CHEQUE BOOK	The Complainant was maintaining a Savings Bank					

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	0.72.12/ncdrcrep/judgement/00140822123455255R18792009.htm		Account No. 01190025039 with the Bank, at its Branch at Railway Colony, Gorakhpur, UP, in his name to be operated singly. He used to deposit in this account his pensionary benefits. A pass book and cheque book were issued to him as per the normal practice. In the month of December 2000, the Complainant informed the Bank that a sum of ₹2, 71,800/- had been fraudulently withdrawn from his account between the period from 09.03.2000 to 07.12.2000, by means of nineteen cheques. He claimed that during this period he was staying in Delhi with his son due to an accident and wedding. It was alleged that the cheques used for withdrawal of the said amount were not issued from the cheque book supplied to him nor did he sign any of these cheques. A complaint, alleging cheating, was also lodged by him with the police. Investigations conducted by the police and the Bank revealed involvement of the Branch Manager and one Vishal Srivastava. It transpired that two cheque books for his account were issued to one Krishan Kant Sharma. The first cheque book was issued on an application and the second one on the requisition slip of the first cheque book. However, the requisition application in relation to the first cheque book was not found in the records of the Bank.	Sh. Sheo Kumar Sharma Versus State bank of India	DISTRICT FORUM Gorakhpur	Complaint case no. 429/2002	30/11/2004	The district forum allowed the complaint and conclusion that since, despite direction, the Bank had failed to produce the application on which the first cheque book was issued, there was deficiency in rendering service on the part of the Bank. Accordingly, the Bank was directed to pay a sum of ₹2, 71,800/- to the Complainant along with interest @ 9% p.a. from the date of filing of the complaint and costs.
				State bank of India Versus Sh. Sheo Kumar Sharma	SCDRC Uttar Pradesh	First appeal no. 2450/SC/04 & 127/SC/05	19/02/2009	State commission dismissed the appeal and upheld the order of the district forum.
				State Bank of India Versus Sh. Sheo Kumar Sharma	NCDRC	Revision petition no. 1879/2009	12/08/2014	National commission allowed the petition and set aside the order of the district forum and upheld the order of the district forum.