

**DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION
ERNAKULAM**

Dated this the 28th day of January, 2025

Filed on: 23/03/2021

PRESENT

Shri.D.B.Binu
Shri.V.Ramachandran
Smt.Sreevidhia.T.N

President
Member
Member

CC NO. 146/2021

Between

COMPLAINANT

K. Asokan, S/o Late.P.K.Kuttappan, Athira Nivas, House No.243, Ward No. XVII,
Muppathadam Kara, Kadungalloor Village, Aluva Taluk, Ernakulam.
(Adv. K.S. Raju Menon)

VS

OPPOSITE PARTIES

Indian Overseas Bank, Udyogamandal Branch, Eloor, Ernakulam-683501
(Adv. K.N.Sivasankaran, Sunil Shankar, Sandhra.S., Jerin George, Gayathri.M.M, M/s
K.N. Sivasankaran & Associates, Advocates, Sree Lakshmi, Ravipuram Road, Kochi-
682 016)

FINAL ORDER

SREEVIDHIA T.N., MEMBER:

1. A brief statement of facts of this complaint is as stated below:

The complaint was filed under Section 35 of the Consumer Protection Act, 2019. The complainants states that he had won the 3rd prize on Christmas- New year Bumper Lottery 2020 there by enabling him to receive an amount of Rs. 10, 00,000/- as prize money. The complainant had deposited the lottery ticket No. ST377870 and allied documents with the opposite party where he maintains his account. The complainant alleges that the opposite party bank has forwarded the lottery tickets and allied documents to the lottery office highly belatedly and hence the complainant was declined payment of the prize money. The complainant alleges that the Bank has forwarded the lottery ticket to the lottery office after 151 days from the date of deposit of the lottery ticket and hence he has

not received the prized money in time. The complainant states that there is a rule that prize money will be disbursed only if the tickets are received by the lottery department within 30 days from the date of prize of the lottery. The complainant states that there is deficiency in service from the part of opposite party and hence the complainant has not receive the prize amount to the deficient act of the opposite party, complainant had to suffer severe mental agony, stress and other difficulties and consequently he was admitted in a hospital due to some heart related issues.

The complainant had sent complaints to the bank seeking compensation of Rs. 30,00,000/- (Thirty Lakhs only) from the bank. The complainant had also sent numerous complaint to the director of Kerala Lotteries, Thiruvananthapuram on 24/9/2020 & 12/11/2020. Due to the deficiency in service from the part of the opposite party, the complainant had approached the Commission seeking orders directing the opposite party to pay a compensation of Rs. 5,00,000/- from the opposite party.

2. **Notice:-**

Notice was issued to the opposite party from this Commission on 13/4/2021. Upon notice opposite party appeared and filed their version.

3. **Version of opposite party:-**

The complaint is not maintainable in law and on facts. There is no consumer- service provides relationship between the complainant and the opposite party. The complainant on 18/2/2020 approached the bank and submitted the documents intimating that he had won the third prize in X-mas- New Year Bumper Lottery 2019/2020 drawn on 16/2/2020 thereby

enabling him to receive an amount of Rs. 10,00,000/- as prize money. Subsequently due to Covid-19 lockdown the documents could not be forwarded to Trivandrum Main Branch of the opposite party in time. The complainant only on 25/8/2020 enquired about the status of the lottery collection. On verification with the Trivandrum Main Branch, they had requested for some additional documents which was given by the complainant on 3/9/2020 and forwarded by the opposite party on 4/9/2020. The documents submitted by the Bank with the lottery office was processed by the lottery office, and the prize money Rs. 6,30,000/- was credited to the account of the complainant on 15/3/2021. The lottery office took time in the processing of the application, since permission from the Finance Department and Govt. of Kerala are required in this regard.

Apart from the National Lockdown Thiruvananthapuram city was also under Triple Lockdown in subsequent period. The fact also contributed to the time taken for submission of documents and processing of the same. In between the said process the complainant had filed a complaint before the Banking Ombudsman against the opposite party on the very same facts. The Banking Ombudsman vide order dtd. 6/1/2021 directed payment of Rs. 10,000/- to the complainant which was credited by the opposite party to the account of the complainant by order dtd. 1/2/2021. There is no deficiency in service on the part of opposite party.

4. **Evidence:-**

Evidence in this case consists of the Proof affidavit filed by the complainant and the documentary evidence filed by the complainant which

were marked as Ext.A1 to A16. The complainant is cross examined by the opposite party and his deposition are recorded as 'PW1'.

Opposite party filed proof affidavit. No documentary evidence adduced by the opposite party.

Both parties filed argument notes. Taken for orders.

5. The Issues taken for consideration in this case are as follows:-

1. Whether any deficiency in service or unfair trade practice is proved from the side of opposite party towards the complainant?
2. If so reliefs and costs.

For the sake of convenience we have considered issue No. 1 and 2 together.

The complaint is filed by the complainant alleging deficiency in service from the part of opposite party in forwarding the lottery ticket and allied documents to the lottery office. According to the complainant, the complainant had won the 3rd prize in X-mas – New Year Bumper Lottery 2019/2020 drawn on 10/2/2020 there by enabling him to receive an amount of Rs. 10,00,000/- as prize money. The complainant deposited the lottery ticket and allied documents with the opposite party where he maintains his account. The said lottery ticket and allied documents forwarded to the lottery office belatedly and hence the complainant has declined payment of the prize money.

Ext.A1 is the copy of the lottery ticket, which is accepted by the opposite party on 18/2/2020.

Ext.A2 is a letter sent by the complainant to the Director of Kerala Lotteries, Trivandrum dtd. 24/9/2020.

Ext.A3 is a Letter sent by the complainant to the Branch Manager of the opposite party dtd. 25/9/2020.

Ext.A4 is a complaint sent by the complainant to the Regional Manager of the opposite party dtd. 28/9/2020.

Ext.A5 is the Reply letter received from the Regional Office of the Bank.

Ext.A6(Series) is the Complaint sent to the Chief Minister of Kerala and to the Finance Minister of Kerala and its reply received from the Finance Department of Kerala.

Ext.A7 is a letter sent by the complainant to the Branch Manager of opposite party dtd. 12/11/2020 (as per RTI Act, 2005)

Ext.A8 is a letter sent by the complainant to the Director of Lotteries, State Lottery Directorate, Trivandrum dtd. 12/11/2020.

Ext.A9 Reply sent by the opposite party bank of the complainant dtd. 23/11/2020.

Ext.A10 Complainant sent by the complainant to the Banking Ombudsman and its reply.

Ext.A11 Reply received to the complainant from the Directorate of Kerala State Lotteries.

Ext.A12 is the copy of the documents sent by the complainant to the Director of Lotteries.

Ext.A13 Reply received from the State Public Information Officer, Deputy Director (Lottery Wing)

Ext.A14 Copy of the Treatment Records of the complainant from Renai Medicity.

Ext.A15 is a copy of Pass book issued by the Service Co-operative Society, Muppathadam Branch.

Ext.A16 Adhaar Copy of the complainant.

We have thoroughly verified the facts of the case, version filed by the opposite party and documents and evidence filed by the parties.

As per Ext.A11, the Director of Kerala Lotteries has instructed the complainant to send some documents, photographs, receipts, bank account details of the complainant to the Directorate of Kerala State Lotteries. The complainant states that he has received the letter on 5/1/2021 and as per the instruction received from the directorate of State Lotteries the complainant has sent all the documents to the Directorate of Lotteries, Kerala State Lottery Department on 11/1/2021. As per Ext.A13, the documents sent by the complainant received by the prize wing of Lotteries (Kerala State) on 19/1/2021. The complainant has stated in his proof affidavit that on 15/3/2021, an amount of Rs. 6,30,000/- has credited to the account of the complainant towards the prize money. Ext.A12(2) also proves that the complainant has received an amount of Rs. 6,30,000/- after deducting income at 30%, agent's prize at 10% from the prize amount of Rs. 10,00,000/-. The complainants allegation is that the opposite party has forwarded the lottery ticket and allied documents to the office belatedly.

The opposite party admits in their version that the documents could not be forwarded to the Trivandrum Main Branch of the opposite party in time due to the Covid-19 lockdown. Actually a delay of 118 days occurred from the side of Bank. The banking ombudsman has awarded a compensation of Rs.10,000/- for the delay occurred from the part of the opposite party. Eventhough there is a delay of 118 days in forwarding the documents to the Thiruvananthapuram Lottery office by the opposite party, the documents submitted by the complainant are incomplete and hence the process for approval and disbursal is completed only on 19/1/2021 and within 30 days from the date of receipt of the necessary documents, the director of Kerala State Lotteries, Thiruvananthapuram has credited the eligible prize money to the complainant's account. Hence there is no deficiency in service is proved from the side of opposite party. The actual reason for the delay in disbursing the prize money was that the complainant did not submit the sufficient documents in time.

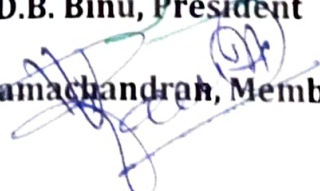
Order

Based on the following observations made by the Commission, the complainant is found liable to be dismissed and is accordingly dismissed. No cost.

Pronounced in the Open Commission on this the 28th day of January, 2025


Sreevidhya T.N, Member


D.B. Binu, President


V. Ramachandran, Member