NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION
NEW DELHI

REVISION PETITION NO. 1055 OF 2017

(Against the Order dated 02/11/2016 in Appeal No. 2449/2011 of the State Commission Karnataka)

1. PRIMARY CO-OPERATIVE AGRICULTURE AND RURAL DEVELOPMENT BANK LTD. & ANR
REPRESENTED BY ITS SECRETARY, K.R. PET,
DISTRICT-MANDYA
KARNATAKA
2. PRIMARY CO-OPERATIVE AGRICULTURE AND RURAL DEVELOPMENT BANK LTD.
REPTD BY ITS DISTRICT MANAGER, TIPPU SULTAN PALACE ROAD, CHAMARAJPET,
BANGALURU-18
KARNATAKA ....Petitioner(s)

Versus

1. ANANTHARAMEGOWDA
S/O. RANGEGOWDA DODDA KYATHANAHALLI VILLAGE S.B. HALLI HOBLI, HUBBANAHALLI POST, K.R. PET,
DISTRICT-MANDYA
KARANATAKA ....Respondent(s)

BEFORE:

HON'BLE AVM J. RAJENDRA, AVSM VSM (Retd.),PRESIDING MEMBER

FOR THE PETITIONER : FOR THE PETITIONERS : MR. SURAJ KAUSHIK, ADVOCATE
MR. ANAND SANJAY M. NULI, ADVOCATE

FOR THE RESPONDENT : FOR RESPONDENT : NONE APPEARED

Dated : 01 May 2024

ORDER

1. The present Revision Petition has been filed by the Petitioner under Section 21(b) of the Consumer Protection Act, 1986 (Now under Section 58(1)(b) of the Consumer Protection Act, 2019) (the “Act”) against impugned order dated 02.11.2016, passed by the learned State Consumer Disputes Redressal Commission, Karnataka (the ‘State Commission’) in First Appeal No. 2449/2011. In this appeal, the Petitioners/Opposite Parties appeal was dismissed, thereby affirming the Order dated 31.05.2011, passed by the District Consumer Disputes Redressal Forum, Mandya (the “District Forum”) in CC No. 21 of 2011 wherein the complaint by the Complainant/Respondent was allowed.

2. This Revision Petition was filed with a delay of 63 days. Considering the reasons stated in IA No. 8346/2017 and in the interest of justice, the delay is condoned.

3. For ease of reference, the parties mentioned in the original Complaint filed before the District Forum are hereby denoted as follows: Sri Anantharamegowda shall be referred to as the Complainant. The Secretary of P.C.A. and R.D. Bank and the Managing Director of Land Bank shall be referred to as the Opposite Parties (OPs Bank).

4. The facts in brief, as per the Complainant, are that he is a member of OP's bank and applied for a loan in 1991. The OP Bank approved a loan of Rs.1,74,900/- with an agreed interest rate of 15% p.a. and 2% penal interest for defaults. He provided all necessary documents, including equitable mortgage as security. After utilizing the loan, he repaid the principal and interest by 31.03.2004, citing a waiver of loan by the State Govt under the 'Damdubat' scheme. Despite this, OPs failed to return the original documents, claiming outstanding interest from him. Feeling aggrieved by this deficiency, the Complainant filed Consumer Complaint No. 21 of 2011 before the District Forum, seeking the return of original documents, refund of Share Capital amounting to Rs.8,860/-, issuance of a loan clearance certificate, and any other appropriate relief.

5. In reply, the OP bank contended that the Complainant had not fully repaid the principal amount and disputed the accuracy of his claim of interest payments. According to the OP bank, the Complainant owed Rs.45,450 as of 30.08.2006. After deducting the share of Rs.8,860, his liability was reduced to Rs.36,555. The OP bank sought clarification from the Govt regarding the 'Damdubat Scheme', and in response, the Govt directed the OP bank to recover the interest from the Complainant, as per letter No. CO 169 CCB 2008 (B-1) dated 01.04.2004. Neither the Complainant nor the Govt had paid the interest owed. The OP bank alleged that the complaint was filed solely to harass them.

6. The District Forum in its Order dated 31.05.2011 accepted /allowed the complaint and directing the OPs to return the original documents within 2 months and to pay Rs.100/- in case of delay.

7. Being aggrieved by the Order of the District forum, the Petitioners / OPs filed an Appeal No. 2449/2011 and the State Commission vide Order dated 02.11.2016 dismissed the Appeal and affirmed the Order passed by the District Forum, with the following findings -

> ***"14. Therefore, the reasons assigned by the District Forum are inconsonance with "Damdubat Scheme" as well as the various Circulars referred to in the course of their order. Under these circumstances, the contentions that are raised regarding the fact that the loan was commercial one cannot be accepted at all. Moreover, the contentions regarding to the fact that they are not liable to return the original documents of the complainant cannot accepted. The Government Order dt. 15.03.2005 reveals the applicability of the order. It is made clear that if the farmers***

had paid interest more than the principal amount in respect of long term loan as on 31.03.2004, the present Scheme includes all such loans. The object of the loan is also to relieve the farmers from such loans Avith an intention to help the farmers financially. In the present case, there is no dispute at all by the appellants that the respondent/complainant had paid more interest than the principal amount as on 31.03.2004. For these reasons, we are of the opinion that the reasons assigned by the District Forum are based on the facts and Circulars issued by Government of Karnataka. There are no any strong reasons for us to interfere with the Order passed by the District Forum. As such the appeal has to be dismissed. Hence, we proceed to pass the following;

ORDER

The appeal is hereby dismissed. No costs.

The impugned order passed by the District Consumer Disputes Redressal Forum, Mandya in CC.No.21/2011 dt.31.1.2011 is hereby confirmed."

8. Being dissatisfied by the Impugned Order dated 02.11.2016 passed by the State Commission, the Petitioners / OPs Bank have filed the instant Revision Petition bearing no. 1055 of 2017.

9. Upon notice to the present petition, as per the Order dated 17.10.2023, the Respondent/Complainant was granted last opportunity to appear and file a brief synopsis. However, the Respondent failed to appear. Consequently, via order dated 17.01.2024, the Respondent was proceeded ex-parte.

10. Heard the Learned Counsel for Petitioners. Perused the entire material on record *inter-alia* Orders of both the fora.

11. It is a well settled position in law that revision under section 58(1)(b) of the Consumer Protection Act, 2019, *(which are pari materia to Section 21(b) the Act, 1986)* confers very limited jurisdiction on this Commission. In the present case, there are concurrent findings of the facts and the revisional jurisdiction of this Commission is limited. After due consideration of the material on record, I do not find any illegality, material irregularity or jurisdictional error in the impugned Order passed by the State Commission warranting the our interference of in revisional jurisdiction under Section 21(b) of the Act. I would like to rely upon the decision of the Hon'ble Supreme Court in the case of ***'Rubi (Chandra) Dutta Vs. M/s United India Insurance Co. Ltd., (2011) 11 SCC 269***.

12. The Hon'ble Supreme Court in ***'Sunil Kumar Maity Vs. State Bank of India & Anr. Civil Appeal No. 432 OF 2022*** Order dated 21.01.2022, it was held that the revisional Jurisdiction of this Commission is extremely limited by observing as under: -

> *"9. It is needless to say that the revisional jurisdiction of the National Commission under Section 21(b) of the said Act is extremely limited. It should be exercised only in case as contemplated within the parameters specified in the said provision, namely when it appears to the National Commission that the State Commission had exercised a jurisdiction not vested in it by law, or had failed to exercise jurisdiction so vested, or had acted in the exercise of its jurisdiction illegally or with material irregularity. In the instant case, the National Commission itself had exceeded its revisional jurisdiction by calling for the report from the respondent-bank and solely relying upon such report, had come to the conclusion that the two fora below had erred in not undertaking the requisite in-depth appraisal of the case that was required. ....."*

13. Similarly, the Hon'ble Supreme Court in ***Rajiv Shukla Vs. Gold Rush Sales and Services Ltd. (2022) 9 SCC 31***, it was held that:-

> *As per **Section 21(b)** the National Commission shall have jurisdiction to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised its jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity. Thus, the powers of the National Commission are very limited. Only in a case where it is found that the State Commission has exercised its jurisdiction not vested in it by law, or has failed to exercise the jurisdiction so vested illegally or with material irregularity, the National Commission would be justified in exercising the revisional jurisdiction. In exercising of revisional jurisdiction the National Commission has no jurisdiction to interfere with the concurrent findings recorded by the District Forum and the State Commission which are on appreciation of evidence on record.*

14. Based on the discussion above, I do not find any merit in the present Revision Petition and the same is dismissed. Consequently, the impugned Order passed by the State Commission is upheld. Keeping in view the facts and circumstances of the present case, there shall be no order as to costs.

15. All other pending Applications, if any, stand disposed of.

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AVM J. RAJENDRA, AVSM VSM (Retd.)
PRESIDING MEMBER