IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

MONDAY, THE 30TH DAY OF NOVEMBER 2015/9TH AGRAHAYANA, 1937

WP(C).No. 12027 of 2013 (C)

PETITIONER : -

ENATHU SERVICE CO-OPERATIVE BANK LTD.NO.2529,
REPRESENTED BY ITS SECRETARY,ENATHU P.O., PIN-691 526,
PATHANAMTHITTA DISTRICT.

BY ADV.SRI.P.N.MOHANAN

RESPONDENTS :-

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1. RAMACHANDRAN NAIR,
   KOIKKALAZHIKATHU VADAKKETHIL,
   ENATHU P.O., ADOOR,
   PATHANAMTHITTA-691 526.

2. THE CONSUMER DISPUTE REDRESSAL FORUM ,
   PATHANAMTHITTA-689 645,
   REPRESENTED BY SECRETARY.

3. KERALA STATE CONSUMER DISPUTES REDRESSAL COMMISSION ,
   VAZHUTHAKADU, THIRUVANANTHAPURAM-695 001,
   REPRESENTED BY SECRETARY.

R1 BY ADV.SRI.ARUN.B.VARGHESE
R1 BY ADV.SRI.K.REEHA KHADER
R1 BY ADV.SRI.G.M.IDICULAY
BY GOVERNMENT PLEADER SRI. G. GOPAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 12027 of 2013 (C)

APPENDIX

PETITIONER'S EXHIBITS : -

EXHIBIT P1 : COPY OF THE SUB RULES APPROVED BY THE JOINT REGISTRAR DATED.5.2.1998.

EXHIBIT P2 : COPY OF THE ORDER DATED 23.9.2011 IN OP NO.51/05 OF THE 2ND RESPONDENT.

EXHIBIT P3 : COPY OF THE CHART OF RATE OF INTEREST.

EXHIBIT P4 : COPY OF THE JUDGMENT DATED 30.6.2012 IN APPEAL NO.719/11 OF THE 3RD RESPONDENT.

EXHIBIT P5 : COPY OF THE STATEMENT OF ACCOUNT DATED 4.8.2012 ALONGWITH CHEQUE ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P6 : COPY OF THE EXECUTION PETITION FILED BY THE 1ST RESPONDENT BEFORE THE 2ND RESPONDENT.

EXHIBIT P7 : COPY OF THE ORDER DATED 11.1.2013 OF THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS : - NIL.

// TRUE COPY //

P.A. TO JUDGE

DMR/-

DAMA SESHADRI NAIDU, J.

W.P.(c) No. 12027 of 2013

Dated this the 30th day of November, 2015

<u>JUDGMENT</u>

The petitioner Bank introduced a Recurring Deposit Scheme in tune with Exhibit P1 Sub-rules approved by the Joint Registrar. The first respondent, being one of the contributors to the Scheme, approached the second respondent ventilating his grievance that the Scheme was unilaterally closed without intimation to the petitioner. He contended that it amounted to deficiency in service and thereby invited Exhibit P2 award.

2. As can be seen, the second respondent ordered Rs.9,78,400/- as compensation. The petitioner Bank's challenge to Exhibit P2 award before the third respondent Tribunal has failed. Under those circumstances, the petitioner Bank has approached this Court.

3. In response to the submissions made by the learned counsel for the petitioner, the learned counsel for the first respondent has submitted that the petitioner Bank has an efficacious alternative remedy: invoking the revisional

jurisdiction of the Honourable National Consumer Disputes Redressal Commission. In support of his submissions, the learned counsel has placed reliance on **Surya Prasad Shukla v. M.P. State Consumer Dispute Redressal Commission and Others[1].**

4. At this Juncture, the learned counsel for the petitioner, in reply, has submitted that the petitioner Bank is willing to explore its alternative avenues in terms of Section 21 of the Consumer Protection Act.

In the facts and circumstances, without adverting to the merits of the matter, especially based on the submissions made by the learned counsel for the petitioner that the petitioner intends to explore the alternative adjudicatory avenues, this Court closes the writ petition. No order as to costs.

DAMA SESHADRI NAIDU
JUDGE

DMR/-

1 AIR 2006 MP 81