

Buniya Devi Chauhan
Through Power of Attorney holder
Dharmendra Shambhunath Chauhan ...Petitioner

The General Manager
Central Bank of India And Ors. ...Respondents

Mr. Chhangur S. Chauhan, for the Petitioner.

CORAM : **AVINASH G. GHAROTE, J.**
DATE : **29th JULY, 2024**

1. Heard Mr. Chhangur Chauhan learned counsel for the petitioner.

2. The petitioner an illiterate lady, whose husband had passed away in an accident during his employment, at Tianjin Port China, was granted compensation by the employer to the tune of 55,000 US \$ by Cheque No.802665 dated 01.06.2004 drawn on the Standard Chartered Bank Singapore. It is contended that the

petitioner accompanied by her cousin Manoj Nebulal Chavan, had gone to the Central Bank of India, Wadala Branch, where instead of opening a fresh account individually in the name of the petitioner, the respondent No.3, conspired to add the name of the petitioner in his existing account No.26589 and deposit the cheque in that account. Upon encashment of which, the entire amount stood withdrawn by respondent No.3. The respondent No.3 has been convicted by the Additional Chief Metropolitan Magistrate in Case No.630/PW/2007 by the Judgment dated 29.08.2016, of the offences punishable under Sections 406, 420, 467, 468, & 471 of the Indian Penal Code (Page-125).

3. It is submitted that the respondent No.2, in permitting the respondent No.3, to add the name of the petitioner, in the account of the respondent No.3, had in fact committed a deficiency of service in ensuring that KYC norms were strictly adhered to, which position according to the learned counsel for the petitioner has not been considered by the National Commission.

4. He further contends that though Section 20 of the Consumer Protection Act, 1986, requires the jurisdiction to be exercised in benches, the impugned order by the National

Commission has been passed by the learned Single Member which would be in violation of mandate as contemplated by Section 20 (1-A) of the Consumer Protection Act, 1986.

5. Issue notice for final disposal, returnable on 23rd September, 2024.

(AVINASH G. GHAROTE, J.)