



CWP-32589-2024 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-32589-2024 (O&M)

Date of Decision : 03.12.2024

IDBI Bank Limited and another

...Petitioner

Versus

National Consumer Disputes Redressal Commission, Upbhokta Nyay
Bhawan, New Delhi

...Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present : Mr. Tajender K. Joshi, Advocate,
for the petitioners.

ANUPINDER SINGH GREWAL, J. (Oral)

1. The petitioner has challenged the order dated 26.04.2024 (Annexure P-5) of National Consumer Disputes Redressal Commission (for short 'National Commission') whereby his appeal against the order of State Consumer Disputes Redressal Commission (for short 'State Commission') has been dismissed.

2. Learned counsel for the petitioner submits that the cheque had been issued on behalf of respondent No.2 and a message was also sent to him on his mobile phone before clearing the cheque, therefore, there was negligence on the part of respondent No.2 and in such an eventuality the petitioner-Bank cannot be fastened the liability of refund of the entire amount of the cheque. He also submits that signatures on

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the cheque were similar to the signature of respondent No.2 and the difference was not apparent to the naked eye.

3. Heard.

4. Respondent No.2 is stated to have an account with the petitioner-Bank. A sum of Rs.42,80,000/- had been withdrawn from his Account on 24.04.2008. The signatures of respondent No.2 on the cheque are stated to have been forged. We cannot accept the contention of the learned counsel for the petitioner that signatures were similar and the differences were not visible to the naked eye. It is enjoined on the officials of the Bank to duly verify the signatures and only after complete satisfaction the cheque has to be cleared. The petitioner is stated to have sent a message to respondent No.2 but the same was not responded to. The mere failure of respondent No.2 to respond to a SMS received on his mobile phone would not amount to negligence on his part. Several messages are received on the mobile phone and it may not be possible for a professional who is leading a busy life to respond to each and every message. The specimen signatures are in the Bank record and the Bank officer before clearing the cheque for payment has to verify that the signatures are of the drawer of the cheque. The State Consumer Disputes Redressal Commission and the National Consumer Disputes Redressal Commission have concurrently recorded findings of fact that the petitioner-Bank was negligent in clearing the cheque which caused the loss of Rs.42,80,000/- to respondent No.2 who maintained an account with the petitioner-Bank. The directions issued by the National Consumer Disputes Redressal Commission for payment of the amount along with interest @ 9% per annum cannot be said to be unreasonable



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or excessive or suffering from any illegality which would warrant interference by this Court while exercising writ jurisdiction.

5. Consequently, we do not find any merit in the present petition, the same is accordingly dismissed.

6. At this stage, learned counsel for the petitioner submits that the petitioner be accorded liberty to proceed against respondent No.4- Kotak Mahindra Bank as after clearance, the amount had been deposited in a fraudulently opened account with that bank.

7. The petitioner would be at liberty to take steps in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

December 03, 2024
archana

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No