

Date of registration:05.06.2021

Date of order :28.07.2022

**BEFORE THE DISTRICT CONSUMERS DISPUTE REDRESSAL
COMMISSION-I, VISAKHAPATNAM : AP**

PRESENT:

Smt. Gudla Tanuja, B.Com, M.A (HRSA), LL.M, (Ph.D) President

Ms. Rahimunnisa Begum, M.Com, LL.M, M.HRM, (Ph.D)

Woman Member

Thursday, the 28th July, 2022

Consumer Complaint No:131/2021

Between:

Dr.Vikas Pandey S/o late Sri Mohan Pandey, Hindu, aged 40 years, office situated at D.No.2-69, Rajeev Nagar, Visakhapatnam-530040, President of Andhra Pradesh State rep. The Consumer Rights organisation (CRO)/Upbhokta Adhikar Sangthan.

... Complainant

And:

1. The Branch Manager/Authorised Signatory, RBL Bank Ltd., D.No.47-1-4, Bhuvaneshwari Plaza, Diamond Park Main Road, Dwarakanagar, Visakhapatnam-16.

2. The Branch Manager/Authorised Signatory, Card Services, RBL Bank Ltd., Cards Operating Centre – COC JMD Megapolis, Unit No.306-311 – 3rd Floor,, Sohna Road, Sector-48, Gurgaon, Haryana-122018.

... Opposite Parties

Date of final hearing : 22-07-2022.

Advocate for Complainant : Sri P.Srinivasa Apparao

Advocate for Opposite parties : Absent

: O R D E R :

(Per Ms. Rahimunnisa Begum, Woman Member on behalf of the Bench)

The Contentions of the Complainant:

1. The Defacto Complainant through the CRO has lodged this Complaint before this Commission. The Defacto Complainant got issued a Credit Card on 21.02.2021 after being constantly requested by the Opposite parties that this Credit Card is life time free against any annual or monthly charges and through messages by whatsapp that the Credit card is on the way and will reach him. On 23.02.2021 the defacto complainant got a message via whatsapp as "Switch ON your card". As he was not in need of the card, he ignored and did not generate the PIN. On 24.02.2021, the defacto complainant got a call and it was a RBL call for confirmation of his name, date of birth and mother's name in order to validate the card, no sooner he confirmed the details the officials told that he will get an OTP which should

not be disclosed but within next 15 minutes defacto complainant got a message that an amount of Rs.61,620/-has been debited from his account. "Bill2Pay request of Rs.61,620/- to BSES Rajdh is initiated (Ref ID: RB0602107210) on your RBL Bank Credit Card. Track status: <http://onelink.to/3893jv>". The defacto complainant was totally unaware of this and rushed to the bank as it was evening it was closed so, he immediately called toll free customer care centre number and raised the complaint with No.26889459 and got ID Proof number is:20210224173138935990900 and OFHD Number is R7733Z. The defacto complainant rushed to the bank the very next day and was told to raise a complaint in Police Station, but the Police officials asked him the bank statement. But as per the bank staff, the statement should come to the defacto complainant mail ID, but there was no such mail from the bank related to the account.

2. Later, it was confirmed from the bank that the defacto complainant mail ID was incorrectly mentioned in their records. Defacto complainant 3-4 times visited Police station Cyber Crime and RBL to resolve the issue, but he could not get any remedy. On 03.03.2021 defacto complainant got a normal SMS from RBL as "Hi! We have received your request (27102113) for "Written Confirmation" on your RBL Bank Credit Card (XXXXXXXXXXXX3900). We are working on it and your request will be processed within 3 working days". On 31.03.2021 defacto complainant again called the same customer care on 3rd and 4th April and was suggested to make call after 3-4 days. Then, again 10 more days like this, in between defacto complainant got plenty of calls daily from RBL from morning 6'o clock to evening 10'o clock in every 15 to 30 minutes from different numbers literally harassing him about the incident. This resulted to tremendous mental pressure to the defacto complainant. The defacto complainant submits that this is unfair trade practise and deficiency on the part of the opposite parties and he put to irreparable loss and hardship due to unfair trade practise. The Complainant finally submits that deduction is related to BSES Rajdhani which is a company providing electricity in Delhi. Therefore, the complainant requests Forum to direct the Opposite party;

- a) To remit the debited amount of Rs.61,620/- with interest @ 24% p.a. from the date of debit i.e., 24.02.2021 till the date of realisation.
- b) To pay compensation of Rs.5,00,000/- for mental agony

- c) To pay compensation of Rs.5,00,000/- for deficiency
- d) To pay Rs.50,000/- for pain and harassment besides costs of Rs.25,000/-.

3. The contentions of the Opposite parties:

The Opposite parties called absent even after sufficient time was granted.

4. Records before the Commission:-

Exhibits A1 to A5 marked on behalf of the complainant.

Written arguments of Complainant filed. Heard on behalf of Complainant.

5. Points for determination:-

- i) Whether the allegations made by the defacto complainant on the opposite parties fit to claim the remittance amount?
- ii) Whether the opposite parties are liable to pay the compensation to the complainant?
- iii) To what extent?

6. Record Observations:

Based on the records produced by the Complainant before this Commission and Exhibits A1 to A5, it is evident that there has been an unauthorised remittance of Rs.61,620/- from the complainant's account wherein, inspite of several complaints and follow up both at the bank and at the Police station, the defacto complainant could not get any relief inspite of evidence on record before this Commission. Hence, the Commission is of the view that the banker being the custodian of public accounts and amounts must be vigilant corporate personality in safeguarding the interests of the customers who are otherwise consumers. The services provided by the bankers are under mutual trust and that a sense of security cast upon them for money which is of prime importance to the banking sector. The Credit Card operations must be handled with more care, caution and sophistication. In this case in hand apparently the banker failed to provide basic security to the defacto complainant and did not prove his defence inspite of an opportunity extended by the Commission.

7. Moreover, the database of e-mail of the customers need to be cross checked and maintained in a very apt manner. In this case in hand, the banker could not even do so which amounts to deficiency of service and unfair trade practise resulting into proof as alleged by the complainant.

Therefore, this Commission directs the Opposite parties to remit the amount withdrawn from the defacto complainant's account i.e., Rs.61,620/- with interest @ 9% p.a. from 24.02.2021 till the date of realisation along with compensation of Rs.20,000/- and additional amount of Rs.5,000/- towards costs.

Accordingly, these points are answered.

8. In the result, the complaint is partly allowed directing the Opposite parties to remit the debited amount of Rs.61,620/- (Rupees sixty one thousand six hundred and twenty only) with interest @ 9% p.a. from the date of debit i.e., 24.02.2021 till the date of realisation and further directed to pay compensation of Rs.20,000/- (Rupees twenty thousand only) besides costs of Rs.5,000/- (Rupees five thousand only).

Time for compliance is one month from the date of receipt of this order.

Dictated to the Shorthand Writer, transcribed by her, corrected and pronounced by us in the open Commission on this the 28th day of July, 2022.

Sd/-
President

Sd/-
Woman Member

APPENDIX OF EVIDENCE

1. Witnesses examined for the complainant: NIL
2. Witnesses examined for the opposite parties: NIL

Exhibits Marked for the Complainant:

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|-------|-------------------------------|---|
| Ex.A1 | -- | Incorporation Certificate of the organisation. |
| Ex.A2 | 05.04.2021 | Letter from the defacto complainant |
| Ex.A3 | -- | Photo copy of Credit Card 5243 xxxx xxxx 3900 |
| Ex.A4 | -- | Print out of Whatsapp messages on various dates |
| Ex.A5 | March 2021 & April 2021 | Credit card bills received from collection agent. |

Exhibits Marked for the Opposite Parties: NIL

Sd/-
President

Sd/-
Woman Member