

**IN THE STATE COMMISSION: DELHI**

(Constituted under section 9 of the Consumer Protection Act, 1986)

Date of Hearing: 01.07.2020

Date of Decision: 06.07.2020

**FIRST APPEAL NO.526/2016**

**IN THE MATTER OF:**

**MR. ONKAR SINGH**

....Appellant

**VERSUS**

**MR. ROHTASH KUMAR**

..Respondent

**HON'BLE. SMT. JUSTICE SANGITA DHINGRA SEHGAL (PRESIDENT)**

**HON'BLE. SH. ANIL SRIVASTAVA, (MEMBER)**

Present: Sh. Onkar Singh, Complainant in Person.

OP is Ex-parte.

**PER. JUSTICE SANGITA DHINGRA SEHGAL, PRESIDENT**

**JUDGMENT (ORAL)**

**(Via Video Conferencing)**

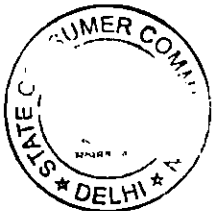
1. This appeal has been preferred by Mr. Onkar Singh under Section 15 of the Consumer Protection Act, 1986, assailing the order dated 15.09.2015 passed by the District Forum- VII in Complaint Case No. 441/2015 directing as under:-

*"The question that exists now is the amount of refund that is sought by the complainant. We are unable to accept an*

unsigned document (Annexure 3) as cogent evidence to the averment that complainant paid a sum of Rs.50,000/- vide cheque dated 22.07.2014 without any sign of the complainant or the OP hence we direct the OP to refund to the complainant a sum of Rs.52,000/- with interest @ 9% p.a. from date of filing of complaint i.e. 16.09.2015 till realization within one month of receipt of this order failing which the OP shall be liable to pay the interest on the awarded amount @ 12% p.a. on 52,000/-. An additional amount of Rs.3,000/- shall also be paid to the complainant towards litigation cost."

2. This matter was listed before this Commission on 01.07.2020 for adjudication. The appellant who was present in person stated that the compensation that was allowed to him was only Rs.52,000/- since he could not submit the papers namely Statement of his Bank Account during the course of the hearing before the District Forum to prove the remaining amount of Rs.50,000/-. He has now submitted the Statement of his Bank Account, which if taken into consideration leads to an increase in the amount claimed by him i.e. after the addition, the amount comes out to be Rs.1,02,000/-. The adjudication by the District Forum on the subject could not be completed only on the ground that the statement of account was not furnished which has since been furnished. Without delving into the merits of the case, we remand the case to the District Forum, South West for adjudication of the point keeping in view the fact that the statement of account is now being furnished.

3. The appellant is directed to appear before the District Forum, South West on 15.07.2020 at 10:30 A.M. Since the matter is old we

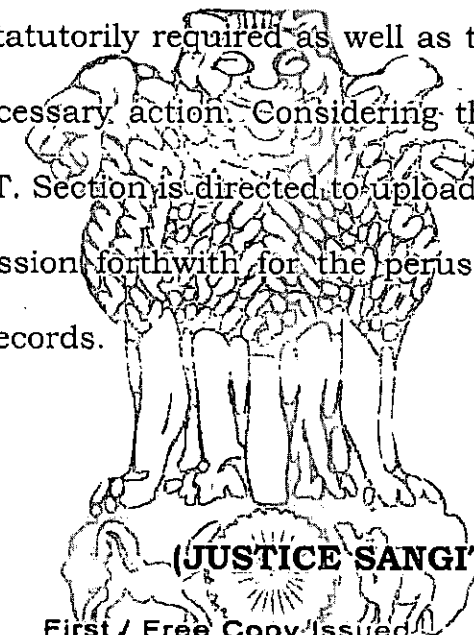


request the District Forum to dispose of the matter as expeditiously as possible within the period of four months from the date of receipt of the copy of this order.

4. At the cost of repetition, nothing contained herein shall be construed as any expression of opinion on the merits of the case. It shall still be open to the parties to raise all such pleas as are available under law.

5. Ordered accordingly.

6. A copy of the order be forwarded to the parties to the case free of cost as is statutorily required as well as to the District Forum and for further necessary action. Considering the pandemic situation at present, the I.T. Section is directed to upload this order on the website of the Commission forthwith for the perusal of the parties. File be consigned to records.



(JUSTICE SANGITA DHINGRA SEHGAL)  
PRESIDENT

First Free Copy Issued  
on...16/3/21...by Regd. Post  
Certified to be a True Copy

for A  
Delhi State Consumer Dispute  
Redressal Commission  
New Delhi-110002

—Sd—

—Sd—  
(ANIL SRIVASTAVA)  
MEMBER

Pronounced On:06.07.2020

sk