**BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSION, (MAIN) VADODARA**

**CC.No.459/2018**

IN THE MATTER OF:

Ashwin Ranchodbhai Parmar

Res. 2 - 266, Ramdev Nagar,

Kuvavadu Faliyu, Gotri

Vadodara

................ COMPLAINANT

Vs.

The Manager, Canara Bank

Ground Floor, Shiv Complex,

Gotri Road, Nr. Yash Complex,

Sundaram Nagar, Vadodara - 390 021.

............. OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH:

1. The Complainant is a resident of Gotri, Vadodara and holds a Savings Bank Account with the Opponent Bank, Canara Bank, for the past ten years.
2. The Opposite Party is a banking institution with its branch at Sundaram Nagar, Vadodara.
3. This complaint relates to the deficiency in financial services of the opposite party faced by the complainant.
4. The Complainant had deposited a cheque of Rs. 4,100/- bearing No. 498584 dated 21/01/2017, issued by IndusInd Bank, received from one of his customers, Mr. Hemingkumar Dilipbhai Patel, towards a legal due.
5. The said cheque was returned unpaid due to insufficient funds in the account of the drawer, Account No. 159799997797, on 23/02/2017.
6. The Complainant received a call from the number 0265 2370316 on 16/12/2017 on his mobile number XXXXXX1919, informing him that the cheque had been returned unpaid and was asked to collect the cheque from the Bank. Prior to this call, the Complainant was never informed about the return of the cheque by any other means of communication from the Opponent.
7. Due to the lack of timely information from the Bank regarding the return of the cheque, the Complainant was unable to file a complaint under the Negotiable Instrument Act against the drawer of the cheque and consequently, unable to recover the amount of Rs. 4100/-.
8. The Opponent failed to inform the Complainant about the return of the cheque in a timely manner. The Bank should have informed the Complainant promptly and should have sent the returned cheque along with the return memo to the address of the account holder, which was not done in this case. This failure has resulted in a deficiency in the service provided by the Opponent.
9. The Complainant relies on the following evidences:
   1. Copy of the cheque
   2. Return memo.
   3. Screenshot of call details.
   4. Copy of the notice.
   5. Speed post receipt.
   6. Application to the Bank to obtain the outward register record for legal purposes
10. The complainant has not filed any complaint having the same cause of action in any other forum or court.
11. The complainant resides within the jurisdiction of this Hon'ble Commission. Hence this Hon'ble Commission has jurisdiction to try and entertain this complaint
12. The total consideration amount paid in purchasing the mobile phone is less than Rs. 50 lakhs. Hence, this Hon'ble Commission has jurisdiction to entertain this complaint.
13. The cause of action arose on 16/12/2017 which is within the limitation period prescribed under the Act. Hence, the claim in the complaint is not barred by the law of limitation.
14. The Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.
15. It is therefore most respectfully prayed that this Hon'ble Commission be pleased to:
    1. Direct the Opposite Party to refund the full amount of the cheque, which amounts to Rs. 4,100/-, along with appropriate interest from the date of payment;
    2. Award compensation of Rs. 5,000/- for mental agony and harassment and Rs. 2,500/- towards the costs of litigation.
    3. Grant any other relief which this Hon'ble Commission deems fit in the facts and circumstances of the case.

Dated this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMPLAINANT**

**VERIFICATION**

I, Ashwin Ranchodbhai Parmar, resident of Kuvavadu Faliyu, Gotri, Vadodara hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name & signature of the complainant