

IN THE COURT OF THE DIST. CONSUMER DISPUTES REDRESSAL COMMISSION,CUTTACK.

C.C.No.01/2023

Sanjukta Sahu,

.. Complainant.

Vrs.

1. Post Master General,New Capital,
Bhubaneswar.

2. Senior Superintendent of Post Office,
Cuttack City Division,Cuttack-1.

3. Sub-Post Master,Madhupatna,S.O,
Cuttack-10.

....Opp. Parties

Present: Sri Debasish Nayak,President.

Sri Sibananda Mohanty,Member.

Date of filing: 02.01.2023

Date of Order: 02.12.2023

For the complainant : Mr. B.C.Sahoo,Adv. & Associates.

For the O.Ps No.1 & 3: None.

For the O.P no.2 : Mr. S.Jena,Adv. & Associates.

Sri Sibananda Mohanty,Member

The case of the complainant in short is that she is a senior citizen and had opened an A/c. bearing No.4865134320 under "Senior Citizen Savings Scheme" (in short SCSS) before the O.P no.3. It is further stated by her that during opening of the said A/c, she had filed proper identification card,

PAN number etc as well as had deposited a sum of Rs.2,00,000/-alongwith the prescribed application form. After verification of the documents, the O.P no.3 had issued her a Passbook under the said SCSS scheme. It is further stated by the complainant that in the said Passbook, it is clearly mentioned that quarterly interest amounting to a sum of Rs.3700/- would be paid to her on her deposit. It is alleged by the complainant that the O.Ps in the first year of opening the A/c, instead of paying Rs.3700/-had paid interest of Rs.2960/- by deducting Rs.740/- in each quarter in four occasions and in total the O.Ps had deducted a sum of Rs.2960/- without any reason. The interest components of the complainant are credited to the Savings A/c No.2921468846, which was opened in the branch of O.P no.3. It is also stated by the complainant that she came to know about such mistake on the part of O.Ps on 1.10.2022, when she had visited the office of O.P no.3 and updated her Savings Bank Passbook and thereafter he had brought the said fact to the notice of the O.Ps as well as had requested to refund her the said deducted amount. She also stated to have given registered letter on 1.10.22 to the O.P to pay her a sum of Rs.2960/- with interest, which the O.Ps have illegally deducted from her interest component and the O.Ps had also replied to her letter and stated that the amount has been deducted as she had not submitted PAN number as per their data base. It is stated by the complainant that she had already given PAN number to the O.Ps while opening the account under the scheme and stated that if the O.Ps would have intimated her about the deductions, she could have claimed refund of the deducted amount before the appropriate Income Tax authority and the O.Ps having not done so put her financial loss. Hence, the complainant has filed the present case alleging negligent act as well as deficiency of service on the part of the O.Ps with a prayer for a direction to the O.Ps to refund the deducted interest component of Rs.2959/- alongwith interest as well as claimed compensation amount of Rs.1,00,000/- towards her mental agony, physical torture and harassment, so also claimed a sum of Rs.25,000/- towards litigation expenses.

The complainant has filed some documents alongwith her complaint petition in order to prove her case.

2. This Commission vide it's order dt.10.4.2023 set exparte to all the O.Ps. However, challenging the exparte order passed by this Commission, the O.P no.2 preferred R.P.No.54/2023 before the Hon'ble State C.D.R.Commission,Cuttack and the State Commission vide it's order dt.18.5.2023 allowed the Revision Petition filed by the OP no.2 and directed this Commission to allow the O.P no.2 to file written version, so also directed to this Commission to hear the case in accordance with law. Thereafter, the O.P no.2 has filed his written version before this Commission and this Commission after accepting the written version of O.P no.2 conducted hearing of the case.

It is stated by the O.P no.2 in his written version that due to non-submission of the PAN card number by the complainant, 20% of the SCSS interest component earned by her was deducted towards TDS amount. It is stated by the O.P no.2 that the quarterly interest were credited to the Savings A/c No.2921468846 of the complainant. It is stated by the O.P no.2 that as per the advice of the Post-master, the complainant submitted the PAN card and the same was seeded in the account only on 6.10.2021 after which the TDS deductions were stopped. It is also stated by him that the complainant had visited the Madhupatna SO on 01.10.2021 for printing her passbook and she noticed that the quarterly interest was less by Rs.740/- per quarter but she did not enquire about such deduction otherwise further deduction would not have been made by the Deptt. It is stated by the O.P no.2 that the complainant knew about such deduction on 1.10.2021, so also stated that TDS amounts were deposited in the Govt. account and it was the duty of the complainant to file her I.T Return well within the time period for refund of undue deduction of TDS amount. It is also stated that the complainant should have claimed voluntarily Form-16 from the post office as a requirement well before filing the tax return instead of demanding the said amount from O.P no.3 after lapse of one year. As such it is prayed by the O.P no.2 for dismissal of the complaint case.

3. Keeping in mind the averments as made in the complaint petition and the contents of the written versions of the O.Ps, this Commission thinks it proper to settle the following issues in order to arrive at a definite conclusion here in this case.

i. Whether the case of the complainant is barred by limitation ?

- ii. Whether the case of the complainant is maintainable?
- iii. Whether there was any deficiency in service on the part of the O.Ps?
- iv. Whether the complainant is entitled to the reliefs as claimed by him ?

Issue no.i.

The O.P no.2 in his written version although has not specifically questioned about the limitation in filing the complaint case but during hearing of the case, it is argued by the learned counsel of the O.P no.2 that the case is barred by time under the C.P.Act,2019 as the complaint case has been filed beyond two years from the date of cause of action i.e. on 30.9.2020, the date when 1st interest component was credited to the S.B.A/c of the complainant. The SCSS is meant for senior citizens and the maturity date of the scheme is 13.8.2025. It is pertinent to mention here that as per the Income Tax Act,1961, the financial year starts from 1st April and ends in 31st March. In the present case if interest component credited on 30.4.2020, then it comes under Assessment Year(2020-2021), which ends on 31.3.2021 and the case has been filed on 02.01.2023 which is within 2 years from the last date of financial year. As such, it cannot be said that the filing of the case by the complainant is barred by limitation. Moreover, the O.P admitted the fact that the complainant only knew about the illegal deduction of Rs.740/- only on 1st October,2021, when she visited the office of O.P no.3 to update her S.B. Account. The case has been filed by the complainant on 2.1.2023, which is also within two years from the date of her knowledge. Hence, it cannot be said that the case has been filed beyond the limitation period. Hence, it is held that, the case has been filed within the limitation period. The decision cited by the O.P no.2 is not applicable in the present case. This issue is answered in favour of the complainant.

Issue no.iii.

It is the admitted fact that the complainant is a senior citizen and she had deposited Rs.2,00,000/- in the SCSS. It is clearly stipulated in the copy of the passbook of the scheme that the complainant is entitled to get Rs.3700/- towards quarterly interest but the O.Ps had deducted a sum of Rs.740/- in each occasion and in total had deducted Rs.2960/- towards TDS in four occasions. It is alleged by O.P no.2 that as the complainant had not furnished her PAN number, they had deducted such amount and deposited the same in her TDS account. Contrary to it, it is also alleged by the O.P no.2 that it is the duty of the complainant to collect Form-16 from the O.P no.3 and thereby she would have claimed refund of TDS amount, while filing the Income Tax Return. It is pertinent to mention here that Form No.16 cannot generated under I.T. Act without PAN No. As such from the conduct of O.P no.2, it reveals that he has not come to this Commission in clean hand. As per the direction of this Hon'ble Commission, the O.P no.2 produced copy of the application form as filed by the complainant in the SCSS scheme. On perusal of the said form, it reveals that the complainant had mentioned her PAN number in the said application form. It is clarified here that as per the Income Tax Act,1961, the complainant being a senior citizen is entitled to get tax exemption upto Rs.50,000/- on interest component. The O.P no.2 also has filed the detail conditions of the scheme, which stipulates that senior citizens are entitled to get tax benefit upto Rs.50,000/- subject to deposit of Form 15 G/15 H. Here in this case, the O.Ps have neither produced any evidence to the effect that the conditions of the scheme were brought to the knowledge of the complainant nor had asked the complainant to furnish 15 G/H form. Be that as it may, the complainant had furnished her PAN No. and the O.Ps were at liberty to deduct 10% of interest component towards the Tax and accordingly would have generated form-16. But the O.Ps had not done so. . It is clarified here that if the O.Ps would have generated Form No.16, then the complainant could have claimed refund of the TDS amount before the Taxing authority while filing Tax Return. The complainant could not get refund of TDS amount due to want of Form-16/TDS certificate. As such due to action/inaction of the O.Ps, the complainant suffered financially. In view of the above discussions, it is held that the deduction of Rs.740/- by the O.Ps from the accrued quarterly interest, which is 20% of accrued interest towards TDS amount on the ground that the complainant had not furnished her PAN number is a clear cut deficiency of service on the part of the postal authorities. This issue is answered in favour of the complainant.

Issues no.ii & iv.

From the discussions as made above, the case of the complainant is maintainable and the complainant is entitled to the reliefs as claimed by her. Hence, it is so ordered;

ORDER

The case is allowed on contest against the O.P.2 & exparte against O.P no.1 & 3 who are all found to be jointly and severally liable here in this case. The O.Ps are thus directed to refund total sum of Rs.2960/- to the complainant with interest @ 8% per annum or as per the scheme, which is higher from the respective date, when the O.Ps deducted 20% from the interest components of complainant on each occasion for four occasions respectively till the amount is quantified. The O.Ps are also directed to pay a sum of Rs.20,000/- towards compensation for mental agony and harassment as well as a sum of Rs.5,000/- towards cost of litigation to the complainant. This order is to be carried out within a period of 30 days from the date of receipt of copy of this order.

Order pronounced in the open court on the 2nd day of December,2023 under the seal and signature of this Commission.

Sri Sibananda Mohanty

Member

Sri Debasish Nayak

President