

Brief facts are as follows:-

1. The complainant is a grocery shopkeeper having daily transactions with Paytm bank. On 13th June 2022 the Paytm bank has frozen his account without giving any reason. Therefore, he was unable to operate his banking transaction. The complainant had an amount of Rs.62633.94/- in his Paytm account when the Paytm bank had frozen his account. He had raised a number of tickets/ complaints for this issue but no reply/response received from Paytm Bank. Hence, present complaint filed by the complainant and prayed to refund the amount of Rs.62633.94/- with 15% interest, amount of Rs.5,00,000/ towards mental agony and amount of Rs.25,000/- towards litigation charges.

2. The opposite party appeared before the commission and filed Vakalatnama on dt.23/08/2022. The complainant had filed an application on dt.23/08/2022 and stated that the opposite party had defrozeed his Paytm account and he received his amount of Rs.62928.94/- but still he want to continue the complaint towards compensation for mental harassment and deficiency of service by the opposite party.

3. As per rojanama dated 19/09/2022 and order passed on Exhibit-1, it is seen that previous commission had passed *ex-parte* order against opposite party.

4. The complainant has filed the screenshots of raised tickets/ complaints, copies of emails, copy of account balance and history etc.

5. The present complaint is pending for the filing of the evidence affidavit of the complainant since dt.17/11/2022. But till date the

complainant failed to present before the commission and filed the evidence affidavit on record. The commission issued notice to the complainant to remain present before the commission/office on dt.08/09/2023 but complainant failed to remain present. Therefore, as per provision under section 38(3)(c) of the Consumer Protection Act, 2019, the present commission listed this complaint for judgement.

6. Considering the pleadings and perusal of the documents filed by the complainant on record, following points are recorded for determination-

Sr. No	Points for determination	Findings
1.	Whether the opposite party has committed deficiency in service to the complainant?	Yes
2	What Order?	As per final order.

As per Point no 1.

7. After perusal of the copy of history of payment sheet filed by the complainant on record, it is seen that there was standing balance of amount of Rs.62,822.94/- in the Paytm account of the complainant. It is also seen that from dt.13th June 2022, the complainant was unable to operate his Paytm account. After perusal of copies of raised tickets/complaints, it is seen that the account of the complainant was freezed by the opposite party. It is also seen that the complainant had taken rigorous follow up with opposite party for resolving the complaint but opposite party failed to give fruitful solution and resolve the complaint.

8. After perusal of the application filed the complainant on dt.23/08/2022,it is seen that the opposite party had defreezed the Paytm account of the complainant but it is after filing of the present complaint *i.e.*, near about after two months. Therefore, this Commission is of opinion that even though the opposite party had defreezed the Paytm account of the complainant after two months but they failed to give the substantive reason for freezing of the account of the complainant. The complainant suffered a lot due to act of the opposite party which amounts to deficiency of service. Hence the finding of the point no 1 is in affirmative.

As per Point no2:

9. In view of our findings given as to point no.1 in affirmative.Therefore, it shows that, there has been deficiency in service on the part of opposite party. As per RBI rules, the present rate of interest on saving bank account ranges from 3% to 6.5%. In this view this commission is of opinion that the complainant is entitled for the 5% interest per annum on defreezed amount of Rs.62,822.94/- from dt.13th June 2022 till the date of the application *i.e.*, 23/08/2022 (where the complainant confirmed that his Paytm account was defreezed) within 45 days, otherwise 9% interest per annum shall be payable, amount of Rs.7,000/- towards mental agony and harassment and amount of Rs.5,000/- towards litigation charges. Hence, in an answer to point no.2, we pass the following order:-

ORDER

1. The Opposite party is directed to pay 5% interest per annum on defreezed amount of Rs.62,822.94/- from dt.13/06/2022 till

dt.23/08/2022 to the complainant within 45 days from the date of this order otherwise 9% interest per annum shall be payable.

2. The Opposite party is directed to pay to the complainant the sum of Rs.7,000/- towards the mental and physical harassment and amount of Rs.5,000/- towards litigation charges.
3. The copy of the judgment be furnished to the both side at free of cost.

Pronounced on 07th May, 2024

Sd/-xxx
(Anil B. Jawalekar)
PRESIDENT

Sd/-xxx
(Smt. Sarita N. Patil)
MEMBER

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