



HDFC Bank Ltd Vs.
Somnath Vishnu Akolkar

ORDER PASSED BELOW EXH. No.1.

Perused the complaint. The complainant and his learned counsel is present. The loan of Rs. 32,81,300/- was issued to the accused. The accused agreed to repay the said loan in 57 equal monthly installments (EMI) due of Rs. 81,300/- through Electronic Clearing System (ECS) from his bank account. The ECS was dishonoured on 06/06/2022 for the reason "Insufficient Funds" and such memo received on 06/06/2022. The complainant has filed the irrevocable standing instructions to deduct the amount from the bank account of the accused is filed on record. The demand notice dt. 16/06/2022 issued to the accused. The said notice was duly served to the accused on 18/06/2022 as seen from the track consignment report of post regarding consignment No. RM330503680IN filed alongwith list dt. 02/08/2022 of which postal receipt filed alongwith list Exh. 3. The accused has failed to pay the cheque amount during the grace period of 15 days after intimation of notice. The complaint is filed on 02/08/2022. Hence, the complaint is treated as within the period of limitation.

2) Thus, the Complainant has made out the *prima-facie* case against the accused for the offence punishable under section 25 of the Payment and Settlement Systems Act, 2007.

3) The complaint is filed by affixing the Court Fees of Rs.25/- only. The complainant has not calculated and affixed the Court Fees on the actual amount of dishonoured ECS. Hence, by keeping the point of payment of Court Fees open, issue process against the accused for commission of offence punishable under section 25 of the Payment and Settlement Systems Act, 2007.

Date :01/09/2022.
Ahmednagar

(Vinod J. Dongre)
Additional Chief Judicial Magistrate,
Court No.6, Ahmednagar.
J.O. Code No. MH00414

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

Name of the Court : 6th Jt.Civil Judge, Senior Division and
Addl. Chief Judicial Magistrate,
Ahmednagar.

Name of the Stenographer : Sau. S.P. Joshi.

Order date : 01/09/2022

Order signed : 01/09/2022
by the Presiding Officer on

Order uploaded on : 12/09/2022