Cars 24 Financial Services Pvt Ltd Vs. Akram Ali
NACT- 24343-2024

Present: Sh. Chirag, AR for complainant.

Today the case was fixed for consideration on the point of summoning of accused. Arguments on the point of summoning heard. Briefly stating the facts of the present case, in the course of equated monthly installment out of Sequence No. 5406884508 dated 22.06.2024 of Rs. 100000/-, Sequence No. 5406884272 dated 22.06.2024 of Rs. 65479/-, for the payment to the complainant in discharge of his liability, the said ECS on presentation to the banker of the accused received back with the remarks of " **Balance Insufficient ".** Thereafter, complainant served a legal notice for demanding the ECS amount, the receipt of which is placed on file, but despite the statutory period of 30 days the notice issued to accused was not received back either served or unserved. Hence it would be deemed that the notice was served upon the accused. Despite that he has failed to make the payment. Hence, the present complaint is filed against the accused under section 25 of the Payment and Settlement System Act, 2007.

2. To substantiate the facts, the complainant appeared in the witness box as CW1 and testified on oath the whole story as put forth in the complaint and further has placed on record ECS, memos, legal notice etc.

3. Heard. Perusal of documents placed on record reveals that the complainant had presented the ECS in question to the banker of the accused in time and further issued notice to the accused within a period of 30 days from the date of receipt of communication about dishonouring of ECS, but still the accused failed to make payment.

4. Since, the accused resides beyond the territorial jurisdiction of this court, an inquiry under Section 225 of BNSS has been undertaken by this court itself. Based on the documentary evidences and testimony of the complainant, this court is duly satisfied that there are prima facie grounds to proceed against the accused.

5. Therefore, keeping in view the aforesaid discussion and observation there are sufficient grounds to proceed against the accused u/s 25 of the Payment and Settlement Systems Act, 2007. Let the accused be