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Man Tricks Bank Into $728K Contract Violation

By The Moscow Times

August 08, 2013



A Voronezh district court is considering an unprecedented lawsuit filed by a man against Tinkoff Credit Systems that requests the bank pay him 24 million rubles ($728,000) for violating a contract that he wrote.

In 2008, Dmitry Agarkov received a credit card application in the mail from Tinkoff Credit Systems bank. He filled in the enclosed contract but made changes to the terms before sending it back to the bank.

Agarkov, 42, altered the conditions in the fine print, a favorite tactic of banks themselves. In particular, he stipulated that there would be no bank fees for using the card, RIA Novosti Voronezh reported.

The former law enforcement employee also prescribed that Tinkoff Credit Systems had no right to change the terms of the agreement and would be subject to a 3 million ruble fine if

they did.

He added that if the bank decided to break the contract unilaterally, he was entitled to a 6 million ruble compensation fee.

The bank employees did not notice the changes and signed the contract, sending it back along with a credit card.

In 2010, after two years of using the card without paying, Agarkov was sued for delinquency fees and penalties worth 45,000 rubles.

However, last year a court found the contract signed by the bank valid and ordered the Voronezh resident to pay just 19,000 rubles that he was late in paying the company.

On August 1, Agarkov appealed to the court with a counterclaim and asked the bank to pay him 24 million rubles for changing the terms of the agreement six times and then unilaterally breaking the contract.

Given the validity of the contract, observers say the plaintiff has a high probability of winning the case.

A court hearing has already taken place, but bank representatives did not appear. The next hearing is scheduled for September, Pravda reported.

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