

**(2015) 04 NCDRC CK 0199**

**In the National Consumer Disputes Redressal Commission**

Ajmer Vidyut Vitran Nigam Ltd

APPELLANT

Vs

KISHAN LAL

RESPONDENT

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**Date of Decision :** 30-04-2015

**Acts Referred:**

**Citation :** (2015) 04 NCDRC CK 0199

**Hon'ble Judges :** D.K.JAIN , VINAY KUMAR , M.SHREESHA J.

**Advocate :** ADITYA MADAN

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**Judgement**

1. THIS Revision Petition by Ajmer Vidyut Vitran Nigam Limited is directed against order dated 27.09.2007 passed by the Rajasthan State Consumer Disputes Redressal Commission at Jaipur (for short "the State Commission") in Appeal No.1159/2007. By the impugned order, the State Commission has affirmed order dated 16.06.2007 passed by the District Consumer Disputes Redressal Forum at Rajsamand, Rajasthan (for short "the District Forum") in Complaint Case No.6/2007, whereby the additional demand of Rs.50,800/ -, raised against the Respondent/Complainant for release of an agricultural electricity connection had been set aside. The District Forum was of the view that since the Respondent had applied for release of an agricultural electricity connection much prior to the issue of Circular dated 06.11.2004, whereby charges for issue of such connection had been enhanced, the Respondent was not liable to pay the enhanced charges.

2. AS noted above, the State Commission, while affirming the said order, has also noted that since the connection had already been released in favour of the Respondent prior to the issuance of additional demand notice on 04.01.2005, no additional amount could be demanded from him.

3. DESPITE service, no one has put in appearance on behalf of the Respondent. We have, accordingly, heard learned Counsel for the Vitran Nigam. In support of his submission that an applicant would be liable to pay enhanced charges for issue of an electricity connection in case charges applicable for the same are increased before the actual release of such connection, learned Counsel has

placed reliance on a decision of the Hon''ble Supreme Court dated 19.01.2006 in Punjab State Electricity Board And Ors. Versus Harvinder Singh, Appeal (Civil) No. 2398 of 2000. In that case, the question for consideration of the Court was whether or not an applicant, who had applied for release of a load but before the actual release there was increase of rates for release of the connection, would be liable to pay the enhanced charges? It was held that the applicant would be liable to pay for the connection demand at the enhanced rates.

4. IN light of the said authoritative pronouncement, the view taken by the lower Fora cannot be sustained. We may also note that when after release of the connection the Nigam had disconnected supply of electricity against the said connection, on account of non -deposit of the outstanding demand, raised, in terms of Circular dated 06.11.2004, vide letter dated 14.11.2006, the Respondent, while depositing a sum of Rs.17862/ -, had volunteered to pay the balance amount in monthly instalments of Rs.10,000/ - each along with the monthly bills. Consequently, the Revision Petition is allowed and the impugned order is set aside.

5. THE Revision Petition stands disposed of with no order as to costs.