

(2003) 09 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

ASHOK KUMAR

APPELLANT

Vs

SDO, HARYANA VIDYUT PARASARAN NIGAM LTD.

RESPONDENT

Date of Decision : 02-09-2003

Acts Referred:

Citation : 2003 0 NCDRC 59 : 2003 3 CPR 88 : 2003 4 CPJ 57 : 2004 0 ACJ 15 : 2004 1 CPC 86

Hon'ble Judges : B.K.TAIMNI , K.S.GUPTA , RAJYALAKSHMI RAO J.

Final Decision : Petition is dismissed

Judgement

1. PETITIONER was the complainant before the District Forum. Briefly the facts of the case are that the complainant has purchased agriculture land longwith tubewell run by electricity, which was in the name of original owner, one Shanti Devi. The sanctioned load was 15 HP even though motor installed was of 7.5 HP. On the complainant requesting the respondent to reduce the load, but seeing no action being taken, a complaint was filed before the District Forum alleging deficiency in service. The District Forum after hearing the parties allowed the complaint. On an appeal filed by the respondent, the State Commission set aside the order of the District Forum and complaint dismissed, hence this Revision Petition by the complainant.

2. WE heard the learned Counsel for the petitioner and perused the material on record. There is a delay of 450 days for which no sufficient cause is forthcoming. Even on merits the petitioner has no case. Undisputed facts of the case are that the electric connection is still in the name of the old land holder. Thus it is evident that there was contract between the parties. Application of reduction of load was made by a party who at present has no locus, as the electric connection does not stand in his name. In the absence of any agreement between the parties, the complainant cannot be called a consumer. The order of the State Commission is as per law which calls for no interference from our side in exercise of powers conferred of us under Section 21(b) of the Consumer Protection Act. Petition is devoid of merits, hence dismissed. No order as to costs.