

(2013) 04 NCDRC CK 0109

In the National Consumer Disputes Redressal Commission

ASHOK KUMAR SINGH

APPELLANT

Vs

BIHAR STATE ELECTRICITY BOARD , Chairman, Bihar State
Electricity Board Patna , Executive Engineer Bihar State
Electricity Board Chapra , Sub-Divisional Officer (Engineer)
Electrical (Supply) Bihar State Electricity Boar

RESPONDENT

Date of Decision : 10-04-2013

Acts Referred:

Citation : 2013 0 NCDRC 249 : 2013 3 CPJ 499

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Final Decision : petitioner is dismissed

Judgement

1. THIS revision petition has been filed by the petitioner against the impugned order dated 21.12.2009 passed by the Bihar State Consumer Disputes Redressal Commission, Patna (in short, "the State Commission ") in Appeal No.151 of 1999 - Chairman, Bihar State Electricity Board Vs. Ashok Kumar Singh by which, while allowing appeal partly, reduced the amount of compensation granted by the learned District Forum.

2. BRIEF facts of the case are that complainant/petitioner had taken industrial connection of electricity from OP/respondent for a tyre resoling business under an agreement and deposited security amount of Rs.13,750/-. Supply of electricity started on 6.1.1993. Supply of electricity by OP was not proper and regular; so, complainant made complaint to OP No. 3 vide letter dated 25.3.1994 and further requested to refund security money. Later on, OP No. 3 illegally disconnected supply of electricity of the complainant on 28.4.1994. Complainant alleging deficiency on the part of OPs, filed complaint for refund of security and compensation. OP resisted complaint and submitted that as per agreement, consumer was required to pay minimum charges for 2 years. It was further alleged that, as the complainant has not paid a sum of Rs.29,290/- as dues of electricity bills from February, 1994 to April, 1994, his connection was disconnected. It was further alleged that, as the complainant has not paid

minimum guarantee charges for two years, no question of refund of security money arises and prayed for dismissal of the complaint. Learned District Forum after hearing both the parties allowed the complaint and directed OPs to refund security amount subject to depositing Rs.29,290/- as arrears of dues and further awarded Rs.10,000/- as compensation for business loss and Rs.25,000/- as compensation for mental agony. OP/respondent filed appeal and learned State Commission vide impugned order modified order of District Forum and reduced compensation to Rs.5,000/- and further observed that petitioner will be entitled to claim 9% p.a. interest on the security amount and OP will be entitled to claim 9% p.a. interest on electricity bill dues against which, this revision petition has been filed. Heard the petitioner in person and learned Counsel for the respondent and perused record.

3. PETITIONER submitted that, as there was illegal disconnection on 28.4.1994, though, order for disconnection was passed on 4.5.1994, learned District Forum has not committed any error in granting compensation and learned State Commission committed error in reducing compensation and imposing interest on the electricity bill dues; hence, revision petition be allowed and order of State Commission be set aside. On the other hand, learned Counsel for the respondent submitted that learned State Commission has not committed any error in reducing compensation, as respondent was entitled to recover minimum charges for 2 years, whereas connection has been disconnected only after 13 months on account of non-payment of electricity dues and further submitted that petitioner was also awarded interest on security deposit; hence, revision petition be dismissed.

4. LEARNED District Forum and learned State Commission has come to the conclusion that petitioner has not deposited electricity bill dues for the month of February, March and April, 1994 and in such circumstances, learned State Commission has not committed any error in imposing burden of interest on the petitioner. Simultaneously, learned State Commission has awarded 9% p.a. interest on security deposit to the petitioner, though, no appeal was filed by the petitioner against the order of District Forum. In such circumstances, allowing 9% p.a. interest to the respondent on electricity dues cannot be held to be improper. Record reveals that electricity connection of the petitioner was disconnected on 28.4.1994, whereas order for disconnection was given on 4.9.1994. It appears that on account of complaint of the petitioner dated 25.3.1994 regarding irregular supply of electricity and refund of security money (implied request for disconnection), petitioner's connection was disconnected by the concerned employee even before the order of the Assistant Engineer. For this purpose, learned State Commission has already upheld grant of compensation to the extent of Rs.5,000/-. As per agreement, petitioner was bound to pay minimum charges for 2 years and on account of non-payment of electricity dues, petitioner's connection has been disconnected after 16 months of connection. Learned State Commission has not committed any error in reducing amount of compensation from Rs.35,000/- to Rs.5,000/-

5. WE do not find any infirmity, illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed at admission stage.
6. CONSEQUENTLY , revision petition filed by the petitioner is dismissed at admission stage with no order as to costs.