

(1997) 05 NCDRC CK 0112

In the National Consumer Disputes Redressal Commission

ASSISTANT EXECUTIVE ENGINEER, TAMIL NADU
ELECTRICITY BOARD

APPELLANT

Vs

RAMASAMY PILLAI

RESPONDENT

Date of Decision : 12-05-1997

Acts Referred:

Citation : 1997 2 CPJ 475

Hon'ble Judges : E.J.Bellie , Angel Arulraj J.

Final Decision : Appeal disposed of

Judgement

1. THE opposite party Assistant Engineer, Rural Operation & Maintenance, Tamil Nadu Electricity Board, Vendasandur against whom an award has been passed is the appellant.

2. THE opposite parties contended that the service connection was disconnected for nonpayment of charges. Because subsequently, there was theft of electricity from the same connection, and the complainant was prosecuted. But the Government withdrew the case. In these circumstances there is no question of deficiency in service on the part of the opposite parties. THEREFORE the opposite parties cannot be asked to pay any amount to the complainant. The District Forum on consideration of the pleadings and evidence came to the conclusion that there was deficiency in service on the part the opposite parties and it has ordered payment of Rs. 10,000/- and also to give reconnection of the electricity on collecting a charge of Rs. 30/-.

In the appeal we are clearly of the view that the order of the District Forum is unsustainable. It is not in dispute that the electricity was disconnected for non-payment of charges. It was subsequently only the opposite party filed a case alleging there was theft of electric energy by the complainant. Of course, subsequently after 10 years the prosecution was withdrawn. However it may be, the prosecution for theft of energy has nothing to do with the services that was to be rendered by the opposite party. As stated above, since charges were not paid the disconnection was made. Hence the order of the District Forum directing

the opposite party to pay a sum of Rs. 10,000/- has to be set aside.

3. WE accordingly order. As regards the order of the District Forum that on collection of charges of Rs.30/- the opposite party shall give above, since charges were not paid the disconnection was made. Hence the order of the District Forum directing the opposite parties to pay a sum of Rs. 10,000/- has to be set aside. We accordingly order. As regards the order of the District Forum that on collection of charges of Rs. 30/- the opposite party shall give reconnection it will stand. Thus the appeal is disposed of. There will be no order as to costs. Appeal disposed of.