

(2000) 07 NCDRC CK 0006

In the National Consumer Disputes Redressal Commission

BABURAM SAXENA

APPELLANT

Vs

CHAIRMAN, TOWN AREA

RESPONDENT

Date of Decision : 03-07-2000

Acts Referred:

Citation : 2001 1 CPJ 327

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the judgment and order dated 24.9.1992 passed by District Consumer Forum, Farrukhabad in Complaint Case No. 444/1992.

2. THE facts of the case stated in brief are that the water meter of the complainant was defective in the year 1984. In spite of several requests, the town area the opposite party, did not get the defects in the meter rectified, and continued charging the meter rent. THE complainant was also required to pay the maximum amount of water charges. THE complainant has prayed that the Town Area Committee should get the meter repaired at its own expenses and the meter rent which has been charged from 1984 should be refunded. Compensation for harassment has also been prayed for. The opposite party in its written version has alleged that the meter rent has not been charged from the year 1984. The amount of water charges which has been taken from the complainant has been taken in accordance with the rules. The meter is repaired at the expenses of the person in whose premises it is installed. The opposite party had given a notice to the complainant that it should be not repaired at his own expenses or it should be got changed.

The learned District Forum, after considering the cases of the parties, came to the finding that the meter rent has been charged only till the meter was in working condition. Thereafter the water charges have been taken only which are prescribed as will be apparent from the bills of the complainant which have been filed. It has also been held that no meter rent has been charged. It has further been held that according to Rule 234 of the Town Area Act of 1914, the meter

has to be got repaired by the person in whose premises it is installed. In view of these findings, the learned Forum dismissed the complaint.

3. AGGRIEVED against the order of the learned District Forum, the complainant has come in appeal and has challenged the correctness of the order passed by the District Forum. We have heard the learned Counsel for respondent as well as the complainant who was present in person.

4. THE complainant has argued that his meter is defective since 1984 but the meter rent has been charged by the Town Area Committee. In support of his contention, the complainant has filed receipts before the District Forum on the basis of which the learned District Forum has held that no rent has been charged from the complainant of the meter from 1984. It has further been held that after that no meter rent has been charged and only water charges have been levied. On the basis of water tax, certain amount of water is supplied free of cost. If water in excess of it is consumed by the consumer, then he has to pay the water charges in terms of the water consumed by him. In the present case as the meter was defective, the opposite party has charged the water charges which is prescribed in the rules. THE complainant was bound to pay those water charges because even inspite of notice having been given to the complainant by the opposite party, he failed to get the meter repaired. THE defects in the meter has to be removed at the cost of the complainant which can be done either by him or by the Town Area Committee to whom the charges are to be paid. THE complainant has not done his part of the job by getting the meter repaired. THEREfore, the complainant cannot complain that the charges levied by him should be refunded. In view of the finding of the learned District Forum and the evidence on record, we find that the complaint has failed to prove his case and the learned District Forum was perfectly justified it dismissing the claim. THE appeal is liable to be dismissed. ORDER THE appeal is dismissed and the judgment and order of the learned District Forum are confirmed. No order as to the costs. Let copy as per rules be made available to the parties. Appeal dismissed. _____