
(2017) 02 NCDRC CK 0026

In the National Consumer Disputes Redressal Commission

Case No : 1731 of 2016

BANWARI LAL AGARWAL & ASHOK KUMAR PARTNERS OF
PARVATI GAS

APPELLANT

Vs

JITAN PRASAD

RESPONDENT

Date of Decision : 14-02-2017

Acts Referred:

Citation : 2017 1 CPR 823

Hon'ble Judges : V.K. Jain, Presiding

Advocate : Amrit Pal Singh, Gurjinder Kaur

Judgement

1. The complainant / respondent obtained a LPG connection from Reno Gas Agency, a distributor of Indian Oil Corporation at Kolkata. On his superannuation, he surrendered the gas cylinder and regulator to Reno Gas Agency and applied for transfer of the connection to an agency in Siwan. On the request of the complainant, the transfer voucher was issued by Reno Gas Agency in the name of Parvati Gas Agency, owned by the petitioner. On the basis of the aforesaid transfer voucher, the complainant applied to the petitioner for the LPG connection. The request having been declined, he approached the concerned District Forum by way of a consumer complaint.

2. The complaint was resisted by the petitioner, primarily on the ground that it was supplying LPG only in urban area and therefore, the complainant should approach the dealer supplying LPG in rural area.

3. The District Forum vide its order dated 19.4.2010 directed the petitioner to provide gas connection to the complainant on the basis of the aforesaid transfer voucher and also pay a sum of Rs.15,000/- as compensation and a sum of Rs.2,000/- as the cost of litigation.

4. Being aggrieved from the order passed by the District Forum, the petitioner approached the concerned State Commission by way of an appeal. Vide impugned order dated 17.3.2016, the State Commission dismissed the appeal

filed by the petitioner. Being aggrieved, he is before this Commission by way of this revision petition.

5. It is an admitted position that on production of the transfer voucher, no LPG connection was provided to the complainant by the petitioner. No agreement between the petitioner and the complainant came to be executed. In the absence of the petitioner agreeing to provide a gas connection and supply LPG to the complainant, it would be difficult to say that the complainant became a consumer of the petitioner. Therefore, a consumer complaint was clearly not maintainable. The complaint filed by the respondent was liable to be dismissed on this ground alone. Since the complainant cannot be said to be a consumer of the petitioner, I need not go into the question as to whether the petitioner can be asked to supply LPG to the complainant in a rural area or not.

6. For the reasons stated hereinabove, the impugned orders are set aside and the complaint is accordingly dismissed, with no order as to costs. It is however, made clear that the dismissal of the complaint will not come in the way of the complainant availing any other remedy, as may be available to him, in law.