
(2003) 11 NCDRC CK 0019

In the National Consumer Disputes Redressal Commission

BIJOY KUMAR SINHA

APPELLANT

Vs

CESCO, BHUBANESWAR

RESPONDENT

Date of Decision : 17-11-2003

Acts Referred:

Citation : 2004 2 CPJ 409

Hon'ble Judges : D.M.Patnaik , Arati Mohanty , Pramodnath Das J.

Advocate : P.K.Lenka , D.R.Ray

Judgement

1. -THIS complainant herein challenges the penal bill amounting to Rs. 2,21,352.40 p. raised by the CESCO authorities on the basis of a report of the verifying squad about theft of energy, the inspection being made on 22.2.2003. It is alleged by the complainant that though he had a contract load of 4.5. KW in respect of his domestic power supply the squad without prior notice arbitrarily took into account that the complainant was using air-condition machines and freezer which in fact, as per the complainant's case, were damaged/abandoned and kept on the roof of the building. These machines were used only in the small scale unit of the complainant's wife viz. M/s. Orissa Gems Pvt. Ltd., Industrial Estate, Bhubaneswar and after they got damaged, they were dumped on the roof of the complainant's building. The authorities arbitrarily raised the connected load to 11.5 KW THIS was highly irregular.

2. THE CESCO authorities justify their inspection and imposition of penalty. Heard Mr. Lenka, learned Counsel for the complainant, and Mr. D.R. Ray, learned Counsel for the CESCO.

It seems the complainant has moved the Civil Court and has been able to obtain an interim order for not disconnecting the power supply by the cEsco authorities. The order of the lower Court dated 27.4.2002, against which the CESCO authorities moved in appeal, has been confirmed by order dated 8.11.2002 of the Additional District Judge, Bhubaneswar, thereby dismissing the appeal. Though the complainant claims vide Para 8 of the complaint petition that the present penal bill is for Rs. 2,21,352.40 p., in our view the same also can be

decided by the Civil Court since the matter relates to the dispute touching the legality or otherwise of the CESCO authorities inspecting the premises in question and calculating the amount of penalty on the basis of the enhanced connected load, we are not in a position to entertain the case before us when the complainant has approached the Civil Court for redressal of his grievance. He cannot approach both the Forums. Therefore, we dismiss the complaint petition. However, since protection has to be given to the complainant for a temporary period, we direct the CESCO authorities not to disconnect the power supply for a period of 15 days from the date of passing this order within which the complainant shall approach the Civil Court for getting any appropriate interim relief, as would be prayed before the said Court. Complaint dismissed.