

**(2005) 11 NCDRC CK 0023**

**In the National Consumer Disputes Redressal Commission**

BSES Yamuna Power Limited

APPELLANT

Vs

VIJAY KUMAR SABHARWAL

RESPONDENT

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**Date of Decision :** 29-11-2005

**Acts Referred:**

**Citation :** 2006 1 CPJ 533 : 2006 2 CPR 332

**Hon'ble Judges :** J.D.Kapoor , Rumnita Mittal J.

**Final Decision :** Appeal disposed of

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**Judgement**

1. ON inspection of the premises in respect of electricity connection K-No. 2028050 the appellant-Board found that there was a fraudulent abstraction of energy and raised a bill amounting to Rs. 97,429 and when the respondent contacted the appellant as the appellant made the inspection in his absence he was asked to deposit half of the demand raised by the appellant failing which the electricity connection was liable to be disconnected.

2. WHILE allowing the complaint of the respondent by holding the appellant guilty for deficiency in service and wrongful disconnection of the electricity connection the District Forum vide impugned order dated 10th March, 2004 has given the following directions: (i) The O.P. will withdraw the FAE bill and will instead issue a fresh bill from the date of burning of the meter on an average of three previous bills and will adjust excess amount paid, if any, by the complainant in the future bills of the complainant or refund the same. (ii) The O.P. was deficient in service in harassing the complainant by not replacing the meter and by threatening to disconnect the electricity connection if the FAE bill is not paid. On account of deficiency in service the O.P. will pay Rs. 2000 to the complainant. (iii) The O.P. will pay Rs. 500 to the complainant as cost of litigation.

Admittedly, the electricity meter of the respondent was got burnt on 17th February, 2001 about which the respondent had informed the appellant in writing on the same day but instead of changing the meter the appellant slapped a FAE bill for Rs. 97,429 on 30th January, 2002 and when he visited the office of the appellant he was asked to deposit Rs. 49,000 failing which to face disconnection.

When no other alternative left the respondent deposited the said amount on 6th February, 2002 and again paid a sum of Rs. 16,150 on 4th March, 2002.

It is a statutory obligation of the appellant-company to serve a show cause notice upon any consumer before raising a bill either on the basis of fraudulent abstraction of energy or misuse charges or in case where the meter became defective, non-functional or has got burnt. Such a notice is required so as to give consumer an opportunity of putting up its case and explaining the circumstance under which the meter got burnt and also to controvert the allegation of fraudulent abstraction of energy. The appellant has faltered on this mandatory provision of law and, therefore, rightly suffered the impugned order which we do not feel inclined to interfere with. Since the respondent is complaining that the appellant is still harassing by giving threat of disconnection we hope that the appellant shall not resort to such methods unless and until there are sufficient grounds to disconnect the electricity for non-payment of electricity bills or for any other reasons.

3. APPEAL is disposed of in above terms. Bank Guarantee/FDR, if any, be returned to the appellant after completion of due formalities.

4. A copy of this order as per the statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room. Appeal disposed of.