

(2004) 02 NCDRC CK 0086

In the National Consumer Disputes Redressal Commission

C.E.S.C. Limited

APPELLANT

Vs

RASHIDUL HASSAN

RESPONDENT

Date of Decision : 09-02-2004

Acts Referred:

Citation : 2004 2 CPJ 43

Hon'ble Judges : M.K.Basu , S.Majumder J.

Final Decision : Appeal partly allowed

Judgement

1. THIS Appeal is directed against the Orders dated 6.7.2001 passed by the Calcutta District Forum, Unit-I, under which the Forum allowed the complaint on contest and directed that the matter be referred to the CEI, West Bengal who should initiate proceeding and conclude the same within 60 days from the date of the receipt of the disputed bill for December, 1999 and his decision should be final and binding on both the parties. It was further directed that the complainant should pay 10% of the disputed bill for the December, 1999 together with reconnection charges and also the charges of the CEI, West Bengal to the O.P.-CESC by way of ad hoc payment whereupon the electric line of the complainant should stand referred to the CEI as already indicated above.

2. BEING aggrieved by this order, the CESC has preferred the present Appeal challenging that as erroneous and illegal. The respondent is not coming when the matter is taken up for hearing. Mr. Nayak, the learned Advocate for the CESC submits that here there is no dispute to the effect that the meter is defective and from that point of view the direction of the Forum for payment of 10% of the bill by the complainant has been a bit unjust and improper and let the meter be inspected by the CEI while the consumer should be directed to pay the entire amount of bill which is quite genuine and should not remain outstanding. After carefully considering the materials on record, the impugned judgment and also the above submission of Mr. Nayak we are of the view that both ends of the justice will be met if the complainant-respondent is directed to pay 50% of the bill amount instead of 10% before the meter is examined by CEI whereupon the

CESC shall be found to give connection to the line in question subject to payment of reconnection charge and also payment of other bills which are undisputed. All other directions as contained in the impugned order shall remain intact and the order is modified only to the extent indicated above. The appeal be accordingly allowed in part. Appeal partly allowed.