

(2006) 03 NCDRC CK 0094

In the National Consumer Disputes Redressal Commission

Chennai Metropolitan Water Supply and Sewerage Board	APPELLANT
Vs	
M.Vijayalakshmi	RESPONDENT

Date of Decision : 07-03-2006

Acts Referred:

Citation : 2006 4 CPJ 38

Hon'ble Judges : K.Sampath , R.Vanaroja , PonGunasekaran J.

Final Decision : Appeal dismissed

Judgement

1. THE first opposite party in O.P. No. 175/2000 on the file of the District Forum, Chennai (South) is the appellant. THEy remained ex parte before the District Forum.

2. THE complaint was for a direction to them to provide water and drainage connection to the complainant's residence and to pay a compensation of Rs. 50,000 with cost on the ground that they failed to provide water and drainage connection in spite of receipt of the necessary fees. It is seen from the order of the District Forum that after notice had been served on them, the second opposite party, Manager, Canara Bank, C.M.W.S.S.B. Extension Counter, Chintadripet, Chennai-2, appeared in person and offered to file version. But version was not filed. Both the opposite parties were called absent and set ex parte.

On the side of the complainant, Ex. A1 to Ex. A4 were marked. On the basis of the evidence afforded by these documents, the District Forum held that the complaint stood proved that the opposite parties had not acted in spite of legal notice. So holding by order dated 28.2.2001, the District Forum directed the first opposite party to provide water and drainage connection to the complainant's residence and to pay a compensation of Rs. 10,000 and cost of Rs. 500.

3. IT is as against that, the present appeal has been filed by the first opposite party. Before us, the learned Counsel for the appellant submitted as follows : According to the complainant's statement in the complaint, one Manivannan

contractor and one Rajendran, General Secretary, Panneer Nagar Welfare Association approached her and promised to assist her to obtain water and drainage connection from the first opposite party and believing the representation the complainant gave two bankers cheques respectively for Rs. 4,085 and Rs. 1,755 in the name of the first opposite party, that both the bankers cheques were honoured but connections were given to one Mrs. Geetha and Mr. Siraj.

4. ACCORDING to the first opposite party, unfortunately the opposite parties were set ex parte and, therefore, truth could not be brought before the District Forum. In our view, it was not unfortunate. It was callous indifference. There was a notice issued by the complainant under Ex. A3 on 16.5.1999. Ex. A4 is the acknowledgement. Notwithstanding the said notice, opposite parties did not take any action whatsoever on the complaint. We have been noticing and we have also been expressing our displeasure over the indifference of many public bodies ill-responding to the notices received from Consumer Forums and trying to close the stable after the horses had bolted off. If only the opposite parties reacted to lawyer notices and sent suitable replies there could be chances of the scope of the disputes narrowing down and getting solved without recourse to Courts or Tribunals. At least after receipt of Court notices, if the present opposite parties had responded and defended themselves, things could have been different. It is seen that the bankers cheque Ex. A1 and Ex. A2 were obtained by the complainant. May be somebody had played a fraud and had the connections given to some third parties, but that by itself will not absolve the opposite parties of their obligations to the citizens. There could be least doubt that the staff of the 1st opposite party had colluded with some middle men and effected irregular and improper water and sewerage connections. The opposite parties should have realized that, by using the amounts paid by the complainant, some third parties had fraudulently benefitted. In such circumstances, though the opposite parties remained ex parte and could not and did not file any version and contest the case, the District Forum, in our view, did the right thing in allowing the complaint and directing the first opposite party to pay compensation in a sum of Rs. 10,000 and cost of Rs. 500. The District Forum also properly directed the first opposite party to provide water and drainage connection to the complainant's residence. At least if after the lawyer notice the opposite parties had reacted, we would have understood. From the time they received the complainant's lawyer notice dated 16.5.1999 they had kept quiet. Because there was no response from their end, the complainant was obliged to move the Consumer Forum. And the opposite parties ignored the summons received from the Consumer Forum though the second opposite party appeared in person and offered to file version. But no version was filed. They ought to have appeared and put forward their defence. In the circumstances, the District Forum was perfectly justified in passing the award, that it did and absolutely no interference is called for. The appeal fails and the same is dismissed. No costs. Appeal dismissed.