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**(1996) 01 NCDRC CK 0059**

**In the National Consumer Disputes Redressal Commission**

CHIEF ENGINEER/DISTRIBUTION MADRAS REGION, TAMIL  
NADU ELECTRICITY BOARD

APPELLANT

Vs

SMN CONSUMER PROTECTION COUNCIL

RESPONDENT

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**Date of Decision :** 02-01-1996

**Acts Referred:**

**Citation :** 1996 2 CPJ 5 : 1996 2 CPR 271

**Hon'ble Judges :** E.J.Bellie , V.S.Kandasamy J.

**Final Decision :** Appeal allowed

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**Judgement**

1. THE 2 opposite parties who are the Officers of the Electricity Board are the appellants.

2. THE complaint has been filed by the first complainant a Consumer Protection Council and the 2nd complainant Kalakshetra. It appears for the electricity supply to the 2nd complainant Kalakshetra the Electricity Board collected charges @ Rs. 0.37ps. per unit. On audit objection that the charges should have been collected @ Rs. 1.15 ps. in respect of the period from April, 1984 to August, 1987, calculated the charges were at that rate i.e. @ Rs. 1.15 per unit and a further demand was made to the 2nd complainant for a sum of Rs. 15,663.40. As against this demand the 2nd complainant made an appeal to the Chairman of the Electricity Board, and the amount was paid belatedly on 14.6.91. For this belated payment, the opposite party levied a surcharge of Rs. 6,579/- and collected the same. Now the case of the complainants is that the belated payment of electricity charges was because of the delay caused in disposal of their appeal by the Chairman of the Electricity Board and therefore the Electricity Board itself is responsible for the delay and not the 2nd complainant and hence the levy and collection of surcharge is highly irregular and illegal. THE complainants have prayed for refund of the said sum of Rs. 6,579/- collected from them and interest thereon at 24% and also a sum of Rs. 2,500/- as damages for humiliation suffered by them. The complaint was resisted by the opposite parties contending that they were not liable to pay the amount claimed by the complainants.

The District Forum has passed an order directing the opposite parties to refund the sum of Rs. 6,579/- collected from the 2nd complainant with interest thereon @ 18% p.a. from 29.2.92 with cost of Rs. 500/-. Against this order the opposite parties have filed this appeal.

3. WE are clearly of the view that the order of the lower Forum cannot be sustained at all. There is absolutely no point in saying that the payment of the amount of Rs. 15,663.40 paid belatedly was because of the delay caused by the opposite parties. There was nothing preventing the 2nd complainant in paying the amount immediately after it was demanded. The delay in disposal of their appeal has nothing to do with payment. Further if any amount has been collected improperly or illegally as contended by the complainant it is a matter that should have been agitated in a Civil Court or elsewhere but not the Consumer Forum. The lower Forum has also stated in its order that even originally the opposite party should have collected the correct charges and since they have not done so the 2nd complainant has been put to loss. This again is not a matter for the Consumer Forum to consider if at all the 2nd complainant is aggrieved by that, and, further the 2nd complainant itself has not put forth such a case. In the result, therefore, the appeal is allowed and the order of the District Forum is set aside and the complaint is dismissed. In the circumstances of the case there will be no order as to costs. Appeal allowed.