
(2013) 08 NCDRC CK 0088

In the National Consumer Disputes Redressal Commission

DELHI JAL BOARD

APPELLANT

Vs

O.P.Mehra

RESPONDENT

Date of Decision : 08-08-2013

Acts Referred:

Citation : 2013 0 NCDRC 559 : 2013 3 CPJ 622

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Advocate : VINITA SASIDHARAN

Judgement

1. THIS revision petition has been filed by the petitioner/OP against the order dated 03.03.2008 passed by the State Consumer Disputes Redressal Commission, Delhi (in short, "the State Commission ") in Appeal No. 07/371 - Delhi Jal Board Vs. Shri O.P. Mehra, ACM (Retd.) by which, while dismissing appeal, order of District Forum allowing complaint was upheld.

2. BRIEF facts of the case are that OP/petitioner provided two water connections to the complainant/respondent. Meters of both the connections were defective right from the year 1999. It was further alleged that there was no water supply from one of the connections; however, OP continued raising bills against both these connections on ad hoc basis and complainant made payment under threat of disconnection. In spite of repeated complaints, OP did not redress grievances of the complainant. Meters were replaced in April, 2004. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP resisted complaint. Learned District Forum after hearing both the parties, allowed complaint and directed OP to refund Rs.26,750/- paid by the complainant on account of illegal bills and further directed to issue revised bills on the basis of average consumption and further awarded Rs.25,000/- for mental agony and physical harassment and Rs.5,000/- as cost of litigation. Petitioner filed appeal before State Commission and during course of arguments, learned Counsel for the petitioner restricted submissions to the extent of compensation granted by District Forum and in such circumstances, findings of District Forum were affirmed on merits by learned State Commission. Learned State Commission vide

impugned order upheld grant of compensation and cost against which, this revision petition has been filed. None appeared for the petitioner even after service. Heard learned Counsel for the respondent and perused record.

3. DISTRICT Forum allowed refund of Rs.26,750/- to the complainant paid by him on account of illegal bills raised by the OP and to this extent, appeal has not been pressed and learned State Commission upheld this order on merits which aspect does not require reconsideration in this revision petition and revision petition is to be decided only to the extent of compensation awarded to the respondent.

4. DISTRICT Forum awarded compensation and cost of litigation to the complainant; though, no reasons have been given by District Forum while granting compensation except to the extent that complainant is a senior citizen, but learned State Commission while affirming order observed as under: "Compensation of Rs.25,000/- has not been granted for any monetary loss. It has been granted for mental and physical harassment suffered by the respondent due to deficiency in service committed by the appellant. The respondent is a senior citizen. His grievances started in the year 1999. He made complaints/ representations and attended the meetings with the officials of the appellant, but grievances were not redressed and rather he was made to pay illegal bills under threat of disconnection. The defective water meters were ultimately replaced only in April, 2004. Thus, respondent suffered at the hands of the appellant for the long period of more than 4 years. The conduct of the appellant in dealing with the matter in hand cannot be termed less than callous. Such conduct on the part of a public authority can cause such mental tension and agony to a law-avoiding citizen, which cannot be measured in terms of money though same has to be quantified. In the facts and circumstances of a given case, compensation is granted to a consumer not only to compensate him for mental agony etc. suffered by him due to deficiency in service committed by traders or service providers, but also to spur them to improve the service in future. The respondent is a retired Air Chief Marshal and a former Governor of two States. If he could not move the authorities in the Delhi Jal Board to get his grievances redressed for a long period, plight of an ordinary citizen can well be imagined ".

None has appeared for the petitioner to pursue this revision petition and revision petition is liable to be dismissed.

5. WE do not find any illegality, irregularity or jurisdiction error in granting compensation to the respondent, who was retired Air Chief Marshal and former Governor of two States.

6. CONSEQUENTLY , revision petition filed by the petitioner is dismissed with no order as to costs.