

(2004) 11 NCDRC CK 0018

In the National Consumer Disputes Redressal Commission

DELHI JAL BOARD

APPELLANT

Vs

Rajinder Kumar

RESPONDENT

Date of Decision : 09-11-2004

Acts Referred:

Citation : 2005 1 CPJ 606

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

Final Decision : Appeal disposed of

Judgement

1. -THIS appeal arises from the order dated 8.4.2004 passed by the District Forum vide which as many as 8 complaints filed by the respondents were allowed by which the bills raised by the appellant in respect of the water consumed by the respondents were held to be illegal and, therefore, ordered to be withdrawn on the ground that no water supply was provided by the appellant during the relevant period.

2. ADMITTEDLY the colony where the premises of the respondents are situated was initially unauthorised colony but later on it was authorised and according to the appellant it was partly because of the unauthorised nature of the locality and partly because of the topography that there was deviation in the flow of water. Admittedly all the respondent are the registered consumers for domestic water connection. According to them there was not a single drop of water in the taps during the relevant period i.e., from June, 1994 onwards but still the appellant raised the demand which was not only arbitrary and unjustified but illegal also as they have exempted many residents living in the same locality from paying bills because of non-supply of water by the appellant.

The stand of the appellant is that the demands were raised as per schedule of the rates prescribed by the appellant board. They have denied the allegation that there was no water supply in the street taps even.

3. HAVING failed to refute the allegation of the respondent that all the taps connecting delivery pipes were dry, there was no supply of water the appellant

took the plea that it was not believable that for a period of 8 years the respondents had been living without water and it is also difficult to believe the version of the respondent that he has been getting water from the tubewells and purchasing drinking water. Counsel for the appellant further contended that it had been supplying water on alternative days to the respondents. The grievance of the respondents was that the bill relating to the period of July, 2002 to September, 2002 and in some cases the current bills relating to the month of July, 2002 showed arrears of consumption of water during the last 8 years in the past whereas there was no supply of water during this period and this fact received support and confirmation from the report of the Local Commissioner who prepared the report in the presence of the Zonal Engineer and Junior Engineer of the appellant Board.

4. EVEN otherwise the appellant has admitted that the water supply depends upon the electricity supply. Though originally the locality was unauthorised but subsequently it was regularised and that is why the electricity connections were allotted to the individual respondents and since then they became the registered consumers. Hence they were liable to pay for the water consumed by them. It is also admitted that in the area in question there was heavy load-shedding, low voltage and most of the time there was total failure of electricity supply for some technical reasons and, therefore, for many days the supply of water was not regular though efforts were made by the appellant to ensure supply. Consumers are only concerned with the efficient service and are expected to pay for the services they receive. Schedule of rates prescribed by the appellant in the form of rules and regulations are applicable as and when the consumer consumes electricity or water. Otherwise these are waste piece of paper so far as the consumer is concerned. The highly erratic supply of water during the last eight years does not entitle the appellant to charge on the minimum basis. It is not understandable as to what made the appellant sleep for eight long years and suddenly in the year 2000 slapped bill containing arrears of eight years on minimum basis. The deficiency in service is writ large on the face inasmuch as there had been no supply of water on regular basis and for continuous several days there was no water and for this reason several persons living in the same colony were exempted from the bills, therefore, we do not feel persuaded to interfere with the impugned order except that the appellant shall be entitled to raise the bill from July, 2002.

5. THE appeal is disposed of in above terms. Bank Guarantee/FDR if any furnished by the appellant be returned forthwith.

6. 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.