

(2004) 10 NCDRC CK 0091

In the National Consumer Disputes Redressal Commission

DELHI JAL BOARD

APPELLANT

Vs

SAYYARA BANO NAQVI

RESPONDENT

Date of Decision : 19-10-2004

Acts Referred:

Citation : 2005 2 CPJ 131

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

Final Decision : Appeal dismissed

Judgement

1. THE grievance of the appellant against the impugned order dated 8.1.1999 passed by the District Forum is that the direction to the appellant for charging the water bill on the domestic use basis for the period from 1.10.1996 to 31.3.1997 is not based upon the factual position. Facts relevant for the aforesaid purpose in brief are that the water connection was originally in the name of one Shri Om Prakash for domestic purpose. A survey was conducted by the appellant in 1994 and commercial activity was found in the premises and consequently a notice dated 4.2.1994 was sent to Shri Om Prakash by raising a bill of Rs. 4,692/- for the period from 1.10.1996 to 31.3.1997. However, the premises were purchased by the respondent in the year 1996 and there is no evidence that in the year 1996 commercial activities were being carried out in the premises. Since the respondent did not use water connection for commercial purpose and the bill was received by her on the aforesaid basis for the period from 1.10.1996 to 31.3.1997, the respondent made an application before the appellant for section of the premises on 27.2.1997. On inspection it was found that no commercial activity was running there.

2. IT appears that dispute relates to the period when the premises were in occupation and being used by Shri Om Prakash, it is beyond comprehension as to how the bill on commercial basis was raised in the year 1997 for the period from 1.10.1996 to 31.3.1997 when the inspection of the premises was conducted in the year 1994. Moreover, the subsequent purchaser of the property was not liable to pay the bill raised against Shri Om Prakash on the basis of commercial

tariff. The premises were purchased by the respondent in the year 1996. May be that by not taking the steps for transferring the connection from the name of Shri Om Prakash to the respondent the impugned bill was raised. Had there been no bona fide on the part of the respondent in using the water for domestic purpose the respondent would not have moved application on 27.2.1997 for inspection of the premises. IT is again not understandable as to how the bill upto 31.3.1997 was raised on commercial tariff when the respondent had already apprised the appellant by way of application dated 27.2.1997 that the water was not being used for commercial purposes. So much so the premises were inspected by the appellant and no commercial activity was found there and still the appellant issued the bill for the period ending 31.3.1997 on the basis of commercial tariff. In view of the aforesaid facts we find that the benefit of issuing the bill on the basis of domestic tariff against the respondent who purchased the property in 1996 requires to be extended to the respondent as the respondent was not found at all indulging in commercial activities. In view of the foregoing reasons we do not feel inclined to interfere with the impugned order. However, the interest awarded @ 18% p.a. is on the higher side and is reduced to 9%.

Appeal is dismissed with the aforesaid modification of rate of interest.

3. 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 dismissed.