
(1998) 12 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

DELHI VIDYUT BOARD

APPELLANT

Vs

DAYA DUTT VASHISTHA

RESPONDENT

Date of Decision : 29-12-1998

Acts Referred:

Citation : 1999 1 CPJ 707 : 1999 2 CPC 375 : 1999 2 CPR 432

Hon'ble Judges : A.P.Chowdhri , Desh Bandhu J.

Final Decision : Appeal dismissed

Judgement

1. SHORN of unnecessary details, the respondent who was complainant before the District Forum applied for a domestic light connection on 8.11.1996 and deposited Rs. 3,295/- for the premises WZ-257/1 situated in Village Tihar. He filed the test report and complied with other formalities. His connection was approved by the authorities and K. No. 803/157287 allotted to him. The aforesaid connection was sent to the Zone for execution but the opposite party failed to release the connection. The complainant got served legal notice dated 17.3.1997 but to no purpose. According to the complainant various properties in the neighbourhood enjoyed the facilities of electricity provided by the opposite party and the complainant had been singled out for a discriminatory treatment. The complainant prayed for connection to be given and for the award of exemplary damages amounting to Rs 20,000/-.

2. THE case was contested. It was stated in the written version that a letter had been received from the Industries Minister to the effect that the complainant had unauthorisedly occupied premises No. 257/1-3 and was not entitled to be given electricity connection. THE Additional Chief Engineer by his order dated 29.4.1997 cancelled the connection which had been approved earlier. On a consideration of the matter, the District Forum allowed the complaint and directed the opposite party to release the connection immediately and pay Rs. 2,000/- as compensation and Rs. 300/- as costs. Aggrieved by the order, the opposite party (DVB) has preferred this appeal.

We have heard learned Counsel for both the parties and have carefully gone

through the record. In the ground of appeal necessary facts have been stated to show that on an earlier occasion, the complainant had applied for another connection which was not a domestic connection for light. That was in respect of another premises. We need not go into details as the admitted case of both the parties is that for the present connection, the application was made on 8.11.1996 when the aforesaid amount was deposited. The first contention raised is that even though the application has been made for connection to the premises bearing No. WZ-257/1, the real intention of the respondent is to secure an electric connection for another premises bearing No. WZ-257/3. It has been pointed out that for the reasons stated in detail in the grounds of appeal the complainant's request for the grant of power connection in respect of WZ-257/3 had been turned down. The matter needs no further discussion and it is hereby made clear that the electric connection under consideration is only in respect of the premises bearing No. WZ-257/1 and it does not extend to another premises bearing No. WZ-257/2 or 257/3.

3. THE next contention is that the complainant failed to show: (i) That the premises was within Lal Dora of Village Tihar, and (ii) that the construction had been made prior to 1981. THE respondent has placed on record a report of the Revenue Officer dated 10.10.1995 when demarcation was carried out in the presence of Patwari, Representatives of D.D.A. and D.V.B; (DESU at that time). According to the demarcation, except an area of 2/3 feet, remaining property owned by the complainant was covered in Khasra No. 1575 which was within the Lal Dora. THE aforesaid small portion of 2/3 feet was covered by Khasra No. 1639 which was outside the Lal Dora. THERE is available on record a report dated 13.10.1997 prepared by the officials of D.V.B. alongwith rough site plan showing the premises as a shed approximately 13" X 15". In the report, the feasibility of giving the connection has also been dealt with. In the General Power of Attorney dated 3.1.1994 executed in favour of the complainant, the subject matter has been described as No. 257/ 1 measuring 100 sq. feet comprised in Khasra No. 1639 and having one room of 20" X 20". It is this reference to a wrong Khasra No. which appears to have created difficulty. In fact, as seen from the demarcation report, the property in question is substantially comprised in Khasra No. 1575 which is situated within the Lal Dora and only a small part of 2/3 feet is situated in Khasra No. 1639. THE complainant had also filed his affidavit and produced copy of the Power of Attorney referred to above. In the absence of any material produced by the opposite party, it could not be held that the complainant was an unauthorised occupant of property bearing No. 257/1 in the Abadi Deh in Village Tihar. Learned Counsel also tried to raise the contention that a hall 20" X 20" could not amount to a dwelling unit. We have not been referred to any statutory rule defining the word "dwelling unit" and we see no reason why the construction which existed at the site could not be considered a dwelling unit. In the facts and circumstances of the case, order for the grant for Rs. 2,000/- as compensation and Rs. 300/- as costs calls for no interference. For these reasons, the appeal fails and the same is dismissed. We make no order as to costs in the

appeal. Copy of the order be furnished to the parties as well as sent to the District Forum-II. Appeal dismissed.