
(1996) 02 NCDRC CK 0045

In the National Consumer Disputes Redressal Commission

Divisional Engineer

APPELLANT

Vs

R. SOMURAJ.

RESPONDENT

Date of Decision : 15-02-1996

Acts Referred:

Citation : 1996 2 CPJ 96

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

Final Decision : Appeal allowed

Judgement

1. THE opposite parties-three officers of the Tamil Nadu Electricity Board are the appellants. It appears that one Ramasamy Naidu was the owner of Service Connection No. 10. During this period there was arrears in payment of electricity charges. THEREfore the service connection was disconnected. Subsequently the said Ramasamy Naidu died. THE complainants are his Legal Representatives. THEy applied for the re-connection but that was rejected on the ground that the arrears of charges has not been paid. However, they were informed that if they paid the arrears in instalments the re-connection would be given. THEy paid the 1st instalment and the opposite parties gave the reconnection, but subsequently the complainants failed to pay the subsequent instalments. THEREfore, the meter was disconnected. On these grounds, complaining that the opposite parties are guilty of deficiency in service the complainants have filed the complaint before the District Forum.

2. THE opposite parties contended that since there was arrears of electricity charges the complainants were not entitled for reconnection. Tine District Forum found that there is no dispute that there were arrears of electricity charges but it held that the payment of charges were already time-barred and since no suit has been filed for recovery within the time prescribed and therefore it had become a bad debt and hence the opposite party cannot say that there is service charges due and therefore the complainants are not entitled for reconnection. On these grounds the District Forum held that there was deficiency in service on the part of the opposite parties and it ordered reconnection and also to pay compensation

of a sum of Rs. 20,000/-.

In our view, the District Forum has committed an error. It is not in dispute that there is arrears of electricity charges. It may be that for recovery of electricity charges through Court there is a time limit. That means if the opposite parties want to recover the arrears they cannot file a suit. But that does not mean that the liability of the complainants to pay the arrears is extinguished. It is not in dispute that if there is arrears of electricity charges, the complainants will not be entitled for reconnection. Therefore, there is no merit in the complaint.

3. IN this view of the matter, we allow the appeal set aside the order of the District Forum and dismiss the complaint. There will be no order as to costs. If the arrears is paid by the complainants, the opposite parties have to consider giving reconnection. Appeal allowed.