
(1994) 12 NCDRC CK 0013

In the National Consumer Disputes Redressal Commission

EXECUTIVE ENGINEER, C.C.O.AND M DIVISION YAVATMAL	APPELLANT
Vs	
ANIL GULABRAO MANKAR	RESPONDENT

Date of Decision : 13-12-1994

Acts Referred:

Citation : 1994 0 NCDRC 34 : 1995 1 CPJ 146 : 1995 1 CPR 331 : 1995 2 CLT 115

Hon'ble Judges : V.BALAKRISHNA ERADI , Y.KRISHAN , B.S.YADAV J.

Advocate : AJIT S.BHASME , DILIP PILLAI , P.T.Darda , D.G.Mankar

Judgement

1. THIS is a Revision Petition against the Order dated 24th November, 1993 of the State Commission, Maharashtra in Appeal No. 685/93. By this Order the State Commission upheld the Order of the District Forum and dismissed the appeal. The District Forum has directed the Opposite Parties to give power supply to the Complainant's pump for irrigating his orange plants and pay a compensation of Rs. 17,000/-besides cost of Rs. 750/-.

2. THE Revision Petitioner has challenged the order of the State Commission on various grounds viz, that the Electricity Board has not been impleaded and the complaint has been filed only against its employees. That as per Revenue records there were no standing trees on the field in question and as such there was no question of any compensation to be awarded. But the only relevant point of which we can take cognizance in revision is that the Revision Petitioners were not given an opportunity to be heard by the State Commission. Para 5 of the Revision Petition is reproduced below: "5. The State Commission has not taken into consideration the fact that the case of the Complainant was fixed on 10.8.1993; where after the same was adjourned for arguments but no date was given by the Hon'ble Members as is apparent from the certified copy of the extract of Roznama. When the Advocate for Appellants made enquiry, he was informed by the staff members that the matter is fixed on 18.10.1993 for necessary Affidavits of parties and written submissions. The Advocate was further informed that since the Presiding Officer is due for retirement in August,

1993 the case cannot be taken up before 18.10.1993. However, it appears that the matter came to be heard in absence of Appellants hereinabove on 16.8.1993 without giving any notice to the Appellants hereinabove thereby deciding ex-parte. The impugned order is thus liable to be set aside on this ground itself."

No doubt the Respondent-complainant in Reply-cum-Notes on the Revision Petition has characterised the above paragraph 5 of the Revision Petition as totally false and has submitted that neither the party nor the Counsel appeared before the Hon"ble Commission and that the Revision Petitioners had contested the case fully. In its Miscellaneous Petition No. 589/94 the Revision Petitioner has submitted that the District Forum passed Orders on the 27th August, 1993 whereas term of the President of the District Forum expired on 20th August, 1993 as such the impugned Order of the District Forum was a nullity as the District Forum could not have passed that Order on 27th August, 1993. We accepted this contention and hold that Order passed by the District Forum has to be treated as null and void. On this short ground the order of the State Commission and the District Forum are set aside and the case is remanded back to the District Forum for fresh adjudication.