

**(2008) 10 NCDRC CK 0010**

**In the National Consumer Disputes Redressal Commission**

EXECUTIVE ENGINEER ELECTRICITY DISTRIBUTION DIVISION

APPELLANT

Vs

BUDHDHAN

RESPONDENT

---

**Date of Decision :** 17-10-2008

**Acts Referred:**

**Citation :** 2008 4 CPJ 278 : 2009 1 UC 354

**Hon'ble Judges :** S.N.Kapoor , Rajyalakshmi Rao J.

**Advocate :** Anurag Kishore

---

**Judgement**

1. -THIS revision petition has been filed against the order dated 6. 6. 2008 passed by UP State Consumer Disputes Redressal Commission in First Appeal No. 2417 of 2008 whereby the appeal was dismissed on the grounds that it was barred by time. District Forum allowed the complaint of Mr. Budhdhan in Complaint No. 594 of 2001 and held petitioners deficient in service.

2. IN this case, a live wire of electricity fell over the wife of the complainant causing her death. She was 40 years old at that time and was performing labour work earning Rs. 4,000 per month. Strangely, learned Counsel for the petitioner argued the case on the ground that some one threw green leaves of sugarcane on the electric wires and make the electric line shot, that is how there was breakage of electric wire which fell on her. District Forum directed the petitioners to pay Rs. 1,50,000 along with Rs. 2,000 for cremation and Rs. 2,000 as cost to the complainant. Petitioner filed an appeal after a long delay of more than 500 days and the State Commission observed that not an iota of explanation has been given for such delay to condone the same. The State Commission returned the finding that it is a case of utter negligence that could be attributed to the concerned power corporation.

In our view, the State Commission rightly dismissed the appeal by not condoning the delay of 500 days and further on merits District Forum rightly awarded the compensation of Rs. 1,50,000. The argument made by the learned Counsel for the petitioner that sugarcane leaf broke the wire is something, which is beyond our imagination to believe that wire could be reached by people to throw leaves.

In fact, if we have to believe this argument made by the learned Counsel for the petitioner then it is further deficiency in service and negligence. on their part because such event could not take place unless the wire is being placed very low and in reach of people while passing by. Whichever way we look, the revision petition cannot be entertained. In such circumstances, the revision petition deserves to be dismissed and is dismissed accordingly. Revision Petition dismissed.