

(1992) 07 NCDRC CK 0044

In the National Consumer Disputes Redressal Commission

EXECUTIVE ENGINEER, H.S.E.B.,AMBALA

APPELLANT

Vs

HARCHARAN SINGH

RESPONDENT

Date of Decision : 22-07-1992

Acts Referred:

Citation : 1992 2 CPJ 713 : 1993 2 CLT 188

Hon'ble Judges : S.S.Sandhawalia , S.Kulwant Singh J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order of the District Forum, Ambala granting interest @ 12% on the amount of Rs. 2,374/- refunded earlier to the respondent. The appeal ultimately could not be seriously pressed and, therefore, it suffices to notice the facts and merits in the barest out line.

2. HARCHARAN Singh, complainant-respondent had preferred the complaint on the allegations that an electric meter was installed at his tubewell which became wholly inoperative from November 1985 to June 1986. The Electricity Department however, charged the amount for the said period even though the meter had remained dead and no electric supply had been made. The amount so levied was Rs. 2,374/-. On strong representation to the department, the authorities allowed the claim and refunded the amount of unauthorised charges to him. The complainant however, claimed the relief of interest on the said amount for the period for which it had been unauthorisedly retained by the Department. In the written statement filed by the appellant, it was conceded that Rs. 2,374/- had been refunded to the consumer in the month of September, 1991. However, on the dates fixed for appearance, no representation was made on behalf of the appellant and the District Forum was forced to proceed against them ex-parte.

The complainant led evidence in support of his case and proved to the hilt that the sum of Rs. 2,374/- collected from him is wholly unwarranted. The District Forum accepting the evidence and holding with the factum of refund indicated that the levy was unauthorised, granted the relief of interest at a reasonable rate

of 12% per annum only.

3. MR. V.K. Vashishta, the learned Counsel for the appellant was somewhat half-hearted in prosecuting the appeal. Entirely basing himself on material off the record, it was merely suggested that the agreement between the Department and the respondent did not visualise the payment of interest. However, neither any such agreement has been proved on the record nor was the same produced or presented for the perusal of the Commission even at the time of the appeal. It is significant to notice that the appellant-Department though served and after having filed a written statement before the District Forum chose to treat the proceedings cavalierly and did not put in appearance to contest the same. In the grounds of appeal as well not a hint has been suggested as to why the Department did not defend the matter in the proceedings below. The District Forum, was, therefore, entitled to proceed ex parte and to rely on the unrebutted testimony of the complainant. For this situation, the appellants have only to blame themselves. No other argument could be raised. Finding no merit in this appeal, we dismiss the same. However, as no appearance has been put in on behalf of the respondent, we would not burden the appellant with any costs. Appeal dismissed.