

(2004) 06 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

EXECUTIVE ENGINEER/SOUTH TNEB (O And M), DINDIGUL	APPELLANT
Vs	
I. MARIARAJ	RESPONDENT

Date of Decision : 15-06-2004

Acts Referred:

Citation : 2005 2 CPJ 649

Hon'ble Judges : A.Raman , R.Vanaroja J.

Final Decision : Appeal allowed

Judgement

1. HEARD Counsel for appellants. No representation for the respondents. The directions asked for in the complaint is one that cannot be entertained by this Forum as in effect it challenges the decision of the Government and the policies of the Government and to set aside the G.Os. passed by the Government. These are all matters which cannot at all be gone into by the Consumer Forums where only questions of deficiency in service and defect in goods that can be agitated. The complainant is, after all, one of the applicants for getting service connection for which he has paid a deposit of Rs. 500/-. He cannot direct the opposite parties to give him connection on payment of an amount contrary to the amount fixed in the G.O. In a batch of connected matters where similar petitions were filed, this Commission has held that such complaints cannot lie and no question of deficiency in service can be alleged at all or can be made out. This Commission has also reiterated in the decision that the validity or the applicability of the G.O., the power of the Government to formulate the policies and issue consequent G.Os. are all matters which are not the concern of the Consumer Forums. Since the said decision of this Commission was arrived at on similar facts where identical questions arose for consideration, we are of the view that applying the said decision rendered by this Commission in the batch of cases viz., A.P. Nos. 531/1999 to 537/1999, etc., decided on 27.7.2000, we have to hold that the order passed by the lower Forum cannot be maintained and that it has to be set aside.

2. CONSEQUENTLY, this appeal is allowed without cost. The order passed by the

lower Forum is set aside. The complaint will stand dismissed, but in the circumstances without costs. The amount of Rs, 9,500/- deposited by the complainant shall be refunded to him. Appeal allowed.