

(1990) 12 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

GANGA SARAN

APPELLANT

Vs

HASANPUR GAS AGENCY

RESPONDENT

Date of Decision : 06-12-1990

Acts Referred:

Citation : 1992 2 CPJ 394 : 1993 1 CLT 70

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , Brijendra Singh J.

Final Decision : Revision dismissed

Judgement

1. -THESE are five Revision Petitions by the complainants before the District Forum, Moradabad, and Respondents before the State Commission, U.P. There was a common order by the District Forum, Moradabad, Order dated 18th November, 1990 in the five complaints in as much as the facts are the same between complainants on one hand and the Gas Agency Dealer on the other. Though the State Commission has recorded separate orders in each of these 5 appeals before it, the Orders appealed against are essentially the same. As much this Commission has found it expedient to deal with all the five Revision Petitions together.

2. THE District Forum, Moradabad, accepted the allegations of the complainants regarding undue and unjustified delay in supplying, gas connection to the complainants. For the resulting hardship, the District Forum awarded them certain amounts by way of compensation. THE State Commission however, set aside the Order of the District Forum because, at the hearing on 23rd March, 1990 before the State Commission, the appellant (Hasanpur Gas Agency) produced a letter dated 7th November, 1988 from the Area Manager, I.O.C. Bareilly in which new connections were not released in general way but hundred new connections were allotted on the recommendations of the Sales Officer, Moradabad, and the names of the Revision Petitioners herein did not figure in that list. THE Counsel for the complainants (Revision Petitioners here) submitted at the hearing of 30th November, 1990 that the said letter of 7th November,

1988 from the Area Manager, I.O.C. Bareilly, was forged or a fake letter and that the State Commission should not have admitted it in evidence. It is not open to us to entertain fresh evidence at the Revision stage. More importantly, according to the order dated 23rd March, 1989 of the State Commission nobody was present at the hearing before it on behalf of the consumers. At that stage the genuineness of the said letter dated 7th March, 1989 should have been questioned or tested. It is too late in the day to do so in a Revision Petition.

The Commission finds no irregularity in the exercise of jurisdiction vested in the State Commission by law, nor any failure to exercise jurisdiction so vested or of exercise of jurisdiction illegally or arbitrarily. The Revision Petitions are therefore dismissed. Revision dismissed.