

(2004) 03 NCDRC CK 0081

In the National Consumer Disputes Redressal Commission

GENERAL MANAGER, B.E.S.T. UNDERTAKING

APPELLANT

Vs

ESTATE MANAGER, III FLOOR, OLD CGO COMPLEX ANNEXE
101

RESPONDENT

Date of Decision : 18-03-2004

Acts Referred:

Citation : 2004 2 CPJ 361

Hon'ble Judges : M.S.Rane , R.N.Varhadi J.

Final Decision : Application disposed of

Judgement

1. -WE are proceeding to dispose of this application on perusal of the material available and on hearing the learned Advocates for both the parties and respondents 5 to 8 and 10 to 13 who are present in person and on consideration of the pleadings as filed therein.

2. APPLICATION has been moved by original O.P. No. 1 (in short B.E.S.T.) under Section 13 of Consumer Protection Act, 1986, claiming interim relief to the effect that respondents herein which include original O.P. Nos. 2 to 4 and the complainants, be ordered, and directed to clear the arrears towards consumption charges in respect of electricity supplied to the occupants of the respective premises i.e., the complainants herein in the building under the control and supervision of original O.P. No. 2 who is respondent No. 1 in the application (hereinafter referred to as Estate Manager). At the outset we wish to state that the Estate Manager has taken very novel stand that the building in question where electric supply was made available by the B.E.S.T was not under his control and supervision whereas, in second breath, it is asserted by the Estate Manager i.e., O.P. No. 2, is only an "Allotting Authority". The contradiction in term is so clear needing no further elaboration.

We have certain reservations with regard to the reliefs as claimed by the complainants in the complaint against the B.E.S.T, as set out in paragraph 5 reading as under: Immediate permission for connecting Electric Supply from B.E.S.T. points installed at respective buildings. We may please be installed a

proper meter connection without paying any pending arrears etc. under compulsion we may connect Electric Supply from B.E.S.T. points as we live in dark and there is no other way out of the situation. Moreover, electric supply also comes under the purview of Essential Services Maintenance Act, the same is being connected in anticipation of your Honour Sir/Madam.

3. IT is understandable that the manner in which prayer clause has been coached since the complainants themselves have drafted and presented the complaints herein and have been also appealing in persons. The facts however, show that all the complainants are employees of Central Government and the building in question admittedly is of ownership of the Central Government which is supposed to be looked after and maintained by its Estate Manager the respondent No. 1/original O.P. No. 2.

4. THE complainants are employees of Central Government attached to various departments and by virtue of being Government employees they have been provided and allotted residential quarters which it is stated, they are entitled to as part of their service conditions and the dispute, being the subject matter herein pertains to the payment of arrears of consumption charges to the B.E.S.T. for the supply made available to the said buildings which is occupied by the employees of Central Government like the complainants herein. It is stated that the Government employees who were allotted the tenements prior to the allotments to the complainants herein, did not pay the consumption charges despite repeated demands by the B.E.S.T., and as a result thereof, the B.E.S.T. had disconnected/discontinued the supply, which has driven the complainants herein to file the dispute herein. We gather from the pleadings in the complaint as also the pleading filed by other O.Ps. that the arrears which according to the B.E.S.T. are to the extent of Rs. 46,000/- and odd pertain to the period when certain other employees of Central Government were allotted tenements. As it emerges that the B.E.S.T. has discontinued and disconnected supply and the complainants occupying the allotted flats with their families who are suffering great hardship, that we are proceeding to pass certain interim order as will be indicated herein below to the complainants. Mr. Mani who is appearing for the Estate Manager/original O.P. No. 1 stated, that Estate Manager be not made liable to pay the electricity consumption charges and that it is the responsibility and liability of the concerned employees to whom flats in question were and are allotted as a service tenements.

5. WHAT we further gather and it is shocking and surprising that the Estate Manager, respondent No. 1/original O.P. No. 2 to his wisdom has devised a very novel procedure of transferring the meter in the names of allottees of respective flats who happens to be Government employees and whose services are subject to transfer periodically and on their transfer or ceasing to be occupiers, he, i.e., Estate Manager does not take precautions to ensure that concerned employees clear their dues towards electricity consumption.

6. THE present complainants say that they are not liable to pay the same. It is

obvious that this situation and impasse has arisen because of impractical and unworkable method followed by the Estate Manager, the original O.P. No. 2/ respondent No. 1 in the application not taking due care to see that occupant employees, before surrendering their allotted residential quarters, clear the dues for such consumption, and having failed to do so, the Estate Manager, as an allotting authority of the tenements should arrange to pay the arrears as this stage, at last part of it, to relieve the complainants of hardship caused to them, leaving the issues in this regard open till final disposal of the dispute herein. Therefore, to resolve all these problems we pass the following order: ORDER 1. Respondent No. 1 in the application and O.P. No. 2 in the complaint in the first instance shall pay Rs. 35,000/- directly to the applicant/O.P. No. 1 i.e., B.E.S.T. within three weeks from today towards and on account of arrears. 2. On such payment being made, O.P. No. 1 the applicant herein i.e., B.E.S.T. is ordered to restore the electric supply to the complainants forthwith. 3. The complainants shall bear the restoration charges of the B.E.S.T. as also cost of installation of Meters, etc. 4. It is clarified that it will be open to respondent No. 2-O.P. No. 2 to take necessary steps and measures for recovery of the arrears from the concerned occupants of the respective quarters during the relevant periods. 5. It is clarified that the payments which we have ordered to the respondent No. 1 in the application shall be as interim arrangement and would depend upon the final outcome of the complaint. 6. The complainants shall ensure payment of current bills for consumption as and when raised and issued and served by the B.E.S.T. upon them promptly and regularly. 7. Application herein accordingly stands disposed. of. 8. No order as to cost. 9. Office to furnish copies of the order to the parties.

Application disposed of.