
(2002) 02 NCDRC CK 0050

In the National Consumer Disputes Redressal Commission

GWALIOR ICE FACTORY

APPELLANT

Vs

M.P.Electricity Board

RESPONDENT

Date of Decision : 08-02-2002

Acts Referred:

Citation : 2002 1 CPC 645 : 2002 1 CPR 207 : 2002 2 CLT 309 : 2002 3 CPJ 262

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. COMPLAINANT is the petitioner before us. He complained of excessive bills of electricity under the agreement with the respondent-Electricity Board for supply of electricity to him. Petitioner complained to the concerned authority. Then the matter went to the Electricity Board for adjudication of the disputed bill of electricity under Sub-clause (a) of Clause 26 of the agreement. This sub-clause reads as under : "26(a) In the event of any dispute or difference as to the correctness of any bill or bills prescribed under the terms hereof, the consumer shall nevertheless pay such bill or bills within the aforesaid period of twentyone days. Any adjustment necessary due to incorrectness of such bill or bills shall be made by the Board in the next ensuing bill after the settlement of the said dispute or difference."

2. DISPUTE since had been settled in favour of the petitioner, however, his complaint still remained that he should have been paid interest on that amount of the electricity bill which was found excessive and he nevertheless made payment thereof. Complaining deficiency in service on this score, petitioner as complainant had filed complaint before the District Forum. This was dismissed by the District Forum and it was held that there could not be any deficiency in service as alleged by the petitioner. Aggrieved by the order of the District Forum, petitioner filed appeal against that order before the State Commission. As noted above, the only point before the State Commission was if the District Forum was right in rejecting the complaint on the ground that petitioner as complainant was not entitled to get any interest on the amount settled by an order of the Board

i.e. Madhya Pradesh Electricity Board. When the agreement itself provides for settlement of the dispute and the petitioner had availed of the remedy, it is difficult to see as to how he can now come to the Forum under the Consumer Protection Act still complaining deficiency in service. District Forum is not an Appellate Authority over the respondent-Electricity Board. We, therefore, do not find it is a fit case for us to exercise our jurisdiction under Clause (b) of Section 21 of the Consumer Protection Act, 1986. This revision petition is dismissed. Revision Petition dismissed.