
(2003) 08 NCDRC CK 0005

In the National Consumer Disputes Redressal Commission

HARYANA STATE ELECTRICITY BOARD

APPELLANT

Vs

ANAND MEDICOS

RESPONDENT

Date of Decision : 01-08-2003

Acts Referred:

Citation : 2003 0 NCDRC 60 : 2003 3 CLT 199 : 2003 3 CPJ 175 : 2003 3 CPR 38

Hon'ble Judges : D.P.WADHWA , B.K.TAIMNI , K.S.GUPTA J.

Advocate : VED PRAKASH , R.K.SINGH , NARESH KAUSHIK

Judgement

1. PETITIONER Haryana State Electricity Board was opposite party before the District Forum in a complaint filed by Anand Medicos and its proprietor. Complaint was dismissed by the District Forum with the direction that complainants should go to Civil Court.

2. COMPLAINANTS had alleged in the complaint that they were running a chemist shop and during a particular night, the fire broke out in the shop. This resulted in destroying of furniture, T.V. Counter, refrigerator, stock of medicines and other articles which were lying in the shop. Deficiency in service which was alleged against the Electricity Board was that in the supply of electricity to the shop premises of the complainants, there was huge fluctuation in the electric current with the result short circuit was caused in the shop premises of the complainants resulting in high voltages and destroying of everything in the shop. Complainants alleged that they suffered a loss of Rs.3,08,000/-. They also sought Rs.50,000/- as compensation for harassment etc. Electricity Board denied that the complainants were consumers and said they were having single-phase non-domestic connection for their shop premises. Board said that the complaint involved complicated questions of ownership and the articles allegedly burnt because of fire and other like matters and that the complaint should be referred to Civil Court. Evidence was led before the District Forum. Complainants also brought on record a report of the surveyor showing the extent of loss. District Forum wrote an order of six pages relegating the complainants to seek their remedy in Civil Courts. Matter was taken up in Appeal to the State Commission.

State Commission examined the whole aspect of the matter in detail and was of the view that there was hardly any reason for the Distt. Forum to relegate the complainants to Civil Court. Since all the evidences had been led before the Distt. Forum, State Commission instead of remanding the matter itself, chose to consider the case afresh as per record before the District Forum. This, in our view, was the correct approach adopted by State Commission. Remand would have caused undue harassment and expense to the parties. State Commission found on the examination of the evidence and after hearing the parties that there was short circuiting of electric current in the shop premises of complainants which was the result of negligence attributed to the Electricity Board. As far as the amount of compensation, State Commission relied on the report of the surveyor which had assessed the loss at Rs.2,19,316.76. State Commission, therefore, allowed the appeal, set aside the order of the District Forum and directed the petitioner Electricity Board to pay Rs.2,19,316.76 to the complainants with interest @ 12% p.a. from the date of the fire. It is contended before us on behalf of the petitioner that State Commission should have remanded the matter to District Forum and further opportunity should have been granted to the parties to lead evidence.

3. WE do not think we will accept such submissions. As noted above, all the evidences had been led before the Distt. Forum. It is not the case of the petitioner that it was denied any opportunity to lead any evidence by the Distt. Forum. We, however, feel that interest should not have been awarded from the date of the fire itself and rather sometime needed to have been given to Electricity Board to find out where the fault lay and what loss if any was suffered by the complainant. In these circumstances we, therefore, modify the order of the State Commission and would direct that the interest would be payable from 1.7.1996 instead of 1.1.1996 as ordered by the State Commission. This petition is, therefore, dismissed with the modifications as aforesaid. There shall be no order as to cost.