

(1993) 10 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

HARYANA STATE ELECTRICITY BOARD

APPELLANT

Vs

Hargu Lal

RESPONDENT

Date of Decision : 08-10-1993

Acts Referred:

Citation : 1994 1 CPJ 311 : 1994 3 CPR 218

Hon'ble Judges : S.S.Sandhawalia , Basanti Devi , S.Kulwant Singh J.

Final Decision : Appeal dismissed

Judgement

1. WHETHER the Haryana State Electricity Board is obliged to act expeditiously to refund the security deposited by the consumer on the rejection of his application for an electricity connection? This is the solitary significant question in this appeal.

2. THE facts lie in a narrow compass. THE respondent-consumer had applied for an electricity connection to the Board and along therewith deposited a sum of Rs. 3575/- as security amount alongwith incidental expenses Rs.50/- , in all Rs. 3625/- way back on 14th of August, 1981. However, no connection was provided to him for more than a decade and meanwhile he made requests several times that atleast his deposited security amount be refunded with interest. However, it was not till as late as 10th of June, 1992 that a cheque for the amount of Rs. 3575/- was tendered to him. Aggrieved by the withholding of the said amount for an inordinately long time, interest thereon was claimed alongwith damages to the tune of Rs. 10,000/- . On notice being issued to the appellant-Board the factual position was not controverted. The defence taken was that the respondent was asked to complete the requisite formalities for an electric connection but he failed to do so. Consequently on the 26th of November, 1985 his application was cancelled by the appellant. The curious stand was that the respondent had never demanded the refund of the amount and therefore, the appellants were entitled to hold the same for well-nigh seven years without any recompense.

The District Forum on the basis of the material before it repelled the preliminary

objections raised before it to which reference now is not necessary because the same had not been at all pressed before us. It further held that atleast on the cancellation of the respondent's application the appellants were bound to refund the amount immediately and consequently interest to the tune of Rs.2788.50 paise was granted as relief.

3. MR. Bhupinder Singh, the learned Counsel for the appellants was some-what hard put to project the untenable case of the appellants in the context of seven years delay in refunding the security. The only argument raised was that the respondent had not made express written demands for the re-payment of the security to him. The aforesaid submission brings to the fore the duty of the appellants-Board in cases where it ultimately chooses to reject the application of a consumer. It would appear and it is not in serious dispute that the applicants for electricity connection have to complete a number of formalities including the deposit of sizeable sums for security and other incidental expenses. It may be that the Board is entitled to retain them whilst such an application is pending for consideration. But would they be so entitled to hold the said amount even after the rejection of the application? We are of the categoric view that it can not possibly be so. Despite having been pin pointed the learned Counsel for the appellants could cite no rule or regulation with regard to the refund of the security which the applicants are obliged to deposit. No statutory or even any administrative warrant could be shown on behalf of the appellants which in any such way entitled the Board to continue to withhold such amount for a long period as is ex-amplified by the present case where an inordinate delay of seven years has taken place in the refund. Now once that is so, the matter has to be examined on the larger principle and equitable considerations. It is obvious that such deposits are made by the consumer primarily as a quid-pro-quo for the release of the electricity connection. The moment the application is rejected the Board obviously is disentitled to continue to hold the said amount. An obligation inevitably falls upon it to atleast refund the deposited amount with reasonable expedition & this is the more so in the context of a statutory corporate body like the Haryana State Electricity Board.

4. WE are inclined to hold that the stand of the appellants that the respondent should have made express written demand for refund is some-what specious. Firstly, it does not stand to reason that the respondent even after the rejection of his application would not have sought the refund. Indeed in his complaint it was his case that he had not only prayed for the same but in fact claimed interest thereon. Merely because no written demand in this context could be established is not adequate reason for withholding the amount for seven long years. Even as a matter of principle we must hold that the duty to refund in this context lies on the Board and it is not for the consumer to go with a begging bowl in hand forgetting back his rightfully deposited amount. In the light of the above, it must be held that the Haryana State Electricity Board is bound to expeditiously refund the security of the consumer on the rejection of his application for an electricity connection. Once the aforesaid conclusion is arrived at the solitary argument on

behalf of the appellants-Board must fail and is hereby rejected. The appeal is without merit and the same is dismissed with costs which are assessed at a sum of Rs. 500/- only. Appeal dismissed.