

(1993) 12 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

IMPERIAL MALTS P.LTD.

APPELLANT

Vs

HARYANA STATE ELECTRICITY BOARD

RESPONDENT

Date of Decision : 10-12-1993

Acts Referred:

Citation : 1994 1 CPJ 400

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

Final Decision : Appeal dismissed

Judgement

1. THE unsuccessful complainant appeals against the order of the District Forum, Gurgaon dismissing the complaint.

2. SINCE we are firmly inclined to uphold the order under appeal it is wasteful to delve too deeply into the facts and merits in this judgment of affirmance. It suffices to mention that the complainant M/s. Imperial Malts Pvt. Ltd. were the holders of a power connection of 300 KV at their premises. On their own showing the appellants applied on the 24th of September, 1987 for the enhancement of their load from 300 KV to 500 KV but the respondent-Board did not sanction the same. The curious case set up was that there was no just ground for not enhancing the load at all and further the allegations of the respondent-Board that the appellants were defaulters were not fully tenable. Though other reliefs were claimed, the only one ultimately pressed was that the respondent-Board be directed to enhance the load from 300 KV to 500 KV. In firmly contesting the complaint the respondent-Board took the stand that the appellants were defaulters of electricity charges to the tune of Rs. 8 lacs. Other things apart they had no right to have any enhancement of the load for this reason alone. However, the firm plea was that's no consumer was entitled as a right to a higher load than the sanctioned one and on merits it was the plea that on the ground the installed electricity system was not capable of bearing any further enhancement of load, which indeed would result in disaster consequences. The firm plea was that the application for enhanced load cannot be sanctioned.

The parties put in their respective affidavits in support of their cases and the

District Forum on the basis of the material before it held that there was no expert testimony at all to show that the system could bear the enhanced load sought by the appellants. It was rightly held that the appellant-consumer had not inherent right of any enhancement and the refusal thereof could not be even remotely termed as a deficiency in the supply of electric energy. The other reliefs were secured by the appellants in the civil suit filed by them and the complaint was thus dismissed without any order as to costs.

3. MR. Sachin Mittal the learned Counsel for the appellants with great persistence and vehemence has taken the tall stand that the appellants were entitled as of right to secure an electric load of 500 KV. A number of adjournments were sought to cite regulations or instructions which entitled him to an extended electricity load. However, ultimately not a single statutory provision or even a guideline on this issue could be brought to our notice despite the issue having been repeatedly pin-pointed to the learned Counsel for the appellants. In the absence of any mandatory provision it is somewhat elementary that the claim of the appellants for enhanced load has to be considered by the Board on its merit and the grant thereto is discretionary and in no way obligatory. Herein the respondent-Board has not only shown that the refusal of the application was justifiable but has gone on to show that the electric system at the point was unable to bear any further enhancement. That being so one cannot even remotely hold that there was any deficiency in service on the part of the respondent-Board which they had undertaken to render to the appellants-consumer. In fact in this context no cause of action arises in favour of the appellants.

4. FOR the foregoing reasons this appeal must fail, and is hereby dismissed, without any costs. Appeal dismissed. _____