

(2008) 09 NCDRC CK 0008

In the National Consumer Disputes Redressal Commission

J S E BOARD

APPELLANT

Vs

RINKU DEVI

RESPONDENT

Date of Decision : 26-09-2008

Acts Referred:

Citation : 2008 4 CPJ 530

Hon'ble Judges : Gurusharan Sharma , Kalyani Kar Roy , Satyendra Kumar Gupta J.

Advocate : A.K.Pandey , Naresh Prasad Thakur , Ranjan Kumar Singh

Judgement

1. THE opposite party- Jharkhand State Electricity Board (For short "j. S. E. B. ") has challenged the order dated 28. 12. 2007, passed by the District Consumer Disputes Redressal Forum, Sahibganj, in Consumer Complaint No. 27 of 2007. By the impugned order, the Electricity Board was directed to pay Rs. 2,000 as compensation for harassment and mental agony and Rs. 1,000 as litigation cost to the complainant-respondent within one month failing which interest @ 12% was to be paid till payment. The appellant was also directed to restore her electric connection within 15 days.

2. THE complainantrespondent filed the complaint before the District Consumer Forum claiming Rs. 90,000 as compensation. According to her case, she had applied for electric connection on 13. 1. 2007. On 8. 4. 2007 connection was given in her house and electronic meter was also installed. But all on a sudden her electric line was disconnected on 24. 4. 2007. She made application for restoration of her electric line, but to no effect. The opposite party-appellants contested the complaint. According to the case of the appellants, electric line was provided to the respondent, but when it came to the appellant's knowledge that the land through which the electric line had passed was disputed, it was disconnected. It was said that there was no deficiency in service on the part of the appellant.

The District Forum held the appellant deficient in service as electric line of the respondent was disconnected by the appellant without giving prior notice to her

and passed the order as aforesaid.

3. ELECTRIC connection was given to the respondent on 8. 4. 2007 and the line was disconnected on 24. 4. 2007, just after fortnight. It is the contention of the appellant that when it came to knowledge that the land was disputed, it was disconnected, obviously, without making inquiry and without giving notice to the respondent. The Electricity Board received two objections from neighbours, namely, Faujdari Poddar and Sama respectively on 9. 4. 2007 and 19. 4. 2007. And, soon thereafter respondent's electric line was disconnected. Thereafter inquiry was held for which admittedly notice was given on 6. 8. 2007 to Deo Mani w/o Faujdari Poddar. Strangely, no inquiry was held just after receipt of objections before effecting disconnection and also no notice was given to the respondent for disconnection. It is also not understandable as to why prior to giving connection also inquiry was not held, when application for connection was made on 13. 1. 2007 and connection was given on 9. 4. 2007, after three months. Therefore, we are of the opinion that the District Forum rightly held the appellants deficient in service for not giving notice to the respondent before disconnection of her electric line, as a rule which was a must, moreover in the present case the respondent was not alleged to be defaulter in payment of the electric bill. Nothing has been placed before the State Commission to show that the appellants have now provided electric connection to the respondent as undertaken on 8. 9. 2008 through undisputed route.

4. THE District Forum directed the appellant to restore the electric connection, but in view of the fact that the land through which the electric line of the respondent had passed, was found to be disputed on inquiry it was not feasible. The objection petitions submitted by the neighbours of the respondent are on record. The petition dated 9. 4. 2007 of Faujdari Mahto discloses serious litigation over the land in question. In such circumstances, compliance of the directions of the District Forum for restoration through the same disputed land may be difficult and it was not proper. Therefore, this part of the impugned order requires modification. Hence, we direct the appellant to restore the electric connection of the respondent through possible alternative undisputed route instead of through the same disputed land. In the aforesaid facts and circumstances, therefore, in our view the impugned order relating to payment of compensation and litigation cost does not require interference by us. Hence, the impugned order is upheld with the modification as indicated in paragraph 7 above. The appeal is disposed of accordingly. Appeal disposed of.