
(2012) 03 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

JAIPUR VIDYUT VITRAN NIGAM LTD

APPELLANT

Vs

Jairam S/O Kanha Ram

RESPONDENT

Date of Decision : 29-03-2012

Acts Referred:

Citation : 2012 0 NCDRC 183 : 2012 2 CPJ 439 : 2012 3 CPR 201

Hon'ble Judges : ASHOK BHAN , VINEETA RAI J.

Final Decision : Petition is allowed

Judgement

1. JAIPUR Vidyut Vitran Nigam Ltd., Petitioner herein which was the opposite party before the District Forum has filed this Revision Petition against the order dated 13.08.07 passed by the State Consumer Disputes Redressal Commission, Rajasthan (in short, "the State Commission ") in appeal No. 1340/06 whereby the State Commission setting aside the order of the District Forum has partly allowed the appeal and directed the Petitioner to refund the sum of Rs.20,000/- to the Respondent with interest @ 6% from the date of filing of complaint till realization.

2. COMPLAINANT /Respondent applied for electric connection under Nursery Scheme. Demand Note dated 15.11.99 was issued by the Petitioner requiring the Respondent to deposit the sum of Rs.37,500/-. Respondent deposited the amount and thereafter filed the complaint claiming the refund of Rs.31,000/- on the ground that he had not been given a new connection as requested by him and had been given connection from the existing DP and transformer. Petitioner, on being served, contested the complaint taking the stand that the new connection had been given as requested. That the connection from the old DP and transformer could not be given technically as capacity of the existing transformer was already full. That the estimate prepared by the Petitioner clearly shows that the sum of Rs.31,000/- demanded by the Petitioner represented Rs.11,000/- as value of the pole and Rs.20,000/- as costs of KV line. That the connection was given out of 25 KV line whose total value was Rs.68,000/-. District Forum on the basis of pleadings and evidence led by the parties,

dismissed the complaint. It came to the conclusion that Rs.31,000/- had been charged for giving new connection which included the cost of pole and new KV line.

3. NOT satisfied with the order passed by the District Forum, Respondent filed the appeal before the State Commission which has been partly allowed by the impugned order. State Commission came to the conclusion that it was not clear as to how many poles had been fixed. That the cost of one pole was Rs.11,000/- and, therefore, the Petitioner could charge Rs.11,000/- only. That Rs.20,000/- had been charged in excess and accordingly directed the Petitioner to refund the sum of Rs.20,000/- to the Respondent. Counsel for the parties have been heard and the material available on record has been perused.

4. ON perusal of the demand note, we find that the Petitioner had charged Rs.31,000/- which included the sum of Rs.20,000/- as cost of 11 KV line and balance amount of Rs.11,000/- as cost of the pole. State Commission taking the cost of electric pole as Rs.11,000/- and without considering the cost of 11 KV line which was Rs.20,000/-, came to the conclusion that the Petitioner was entitled to charge only Rs.11,000/- and accordingly directed the Petitioner to refund the sum of Rs.20,000/-. Order of the State Commission is vitiated as it failed to take into consideration the relevant material available on record that the Petitioner had charged Rs.20,000/- as cost of 11 KV line. No ground for refund of Rs.20,000/- was made out as Rs.20,000/- were charged towards cost for laying the KVA line as capacity of the existing transformer was already full. Respondent has also failed to prove that he had been given electric connection from old DP and transformer. For the reasons stated above, the Revision Petition is allowed, order of the State Commission is set aside and that of the District Forum is restored.