

(2005) 09 NCDRC CK 0089

In the National Consumer Disputes Redressal Commission

JASWANT KAUR

APPELLANT

Vs

P S E B

RESPONDENT

Date of Decision : 22-09-2005

Acts Referred:

Citation : 2007 1 CPJ 65

Hon'ble Judges : S.N.Kapoor , B.K.Taimni J.

Final Decision : Dismissed

Judgement

1. HEARD. In these revision petitions, a short question which arises for consideration is "whether for the purpose of giving electric connection, Punjab State Electricity Board could enhance the service charges from Rs. 3,000 per BHP to Rs. 5,000 per B. H. P. on 11. 6. 2002 and issue a demand letter accordingly?

2. THERE is no dispute that in these matters demand notice was issued after 11. 6. 2002 and option was given to pay the service charges of Rs. 5,000 per B. H. P. to each of the petitioners. These petitioners after availing the facility of payment even by instalment and after obtaining its report, got electric connection after 11. 6. 2002. One has to take into consideration the increasing cost of electricity production and infrastructure and other incidental enhanced expenditure, service charges, could not remain static at the old rate and therefore we find it difficult to accept the submission that the rate could not be increased from Rs. 3,000 to Rs. 5,000 per B. H. P.

Learned State Commission was absolutely justified in the circumstances in holding that the rates, which were prevalent at the time of demand notice was issued for providing connection, were applicable and the relevant date for determining the charges is the date of the demand notice. It may be true that the application for electric connection was made when the rate was Rs. 3,000 per B. H. P. But filing of application would neither amount to a concluded agreement nor estoppel against the Punjab State Electricity Board to give the electric connection at the old rate. Rather, after paying the increased service charges and taking electric connection, the petitioners are estopped from challenging the

enhancement in service charges.

3. IN view of the aforesaid discussion, we hold that relevant date for determining the rate of service charge is the date of demand of service charges and not the date of application. Accordingly, the petitioners are liable to pay the service charge in terms of the notice of demand. In view of the above, we do not find any force in these revision petitions. All the revision petitions are dismissed, accordingly. Revision Petitions dismissed.