

(2014) 09 NCDRC CK 0019

In the National Consumer Disputes Redressal Commission

Jodhpur Vidhyut Vitran Nigam Ltd

APPELLANT

Vs

Mohit Computer And Electronics Through Proprietor

RESPONDENT

Date of Decision : 22-09-2014

Acts Referred:

Citation : 2014 0 NCDRC 655 : 2014 4 CPJ 382

Hon'ble Judges : K.S.CHAUDHARI J.

Advocate : B.S.SHARMA , S.N.BOHRRA

Judgement

1. THIS revision petition has been filed by the petitioner against the order dated 4.1.2012 passed by the Rajasthan State Consumer Disputes Redressal Commission, Circuit Bench Jodhpur (in short, "the State Commission ") in Appeal No. 173/2011 - Jodhpur Vidyut Vitran Nigam Ltd. Vs. Mohit Computer and Electronics by which, while dismissing appeal, order of District Forum allowing complaint was upheld.

2. BRIEF facts of the case are that complainant/respondent filed complaint before District Forum and submitted that at the instance of Lineman one Vigilance Check Report was prepared against the complainant and leveled allegations that electricity supply was found continued in his shop and raised demand, complainant prayed for quashing demand and releasing connection. OP resisted complaint and submitted that this was a case of electricity theft and District Forum had no jurisdiction to entertain the complaint and prayed for dismissal of complaint. Learned District Forum after hearing both the parties allowed complaint and directed to give connection against the amount already deposited and further observed that OP is given right to initiate proceedings under Section 126 (3) for recovery. OP filed appeal before State Commission which was dismissed. On revision filed by OP, matter was remanded back to learned State Commission and learned State Commission vide impugned order again dismissed appeal against which, this revision petition has been filed along with application for condonation of delay of 23 days.

3. NONE appeared for respondent even after service. Heard learned Counsel for

the petitioner and perused record.

4. AS there is delay of only 23 days in filing revision petition, application for condonation of delay is allowed for the reasons mentioned in the application and delay stands condoned.

5. LEARNED Counsel for the petitioner submitted that as it is a case of theft of electricity, learned District Forum had no jurisdiction to entertain complaint; hence, revision petition be allowed and impugned order be set aside.

6. PERUSAL of record reveals that OP raised demand on the basis of checking report and apparently it was a case of theft. Learned District forum itself observed in the order that OP is free to initiate proceedings under Section 126 (3) for recovery. As case pertains to theft of electricity, in the light of judgment of Hon "bleApex Court in U.P. Power Corporation Ltd. & Ors. Vs. AnisAhmad - (2013) 8 SCC 491, District Forum had no jurisdiction to entertain the complaint and in such circumstances, the impugned order is liable to set aside and complaint is to be dismissed.

7. CONSEQUENT LY , revision petition filed by the petitioner is allowed and impugned order dated 4.1.2012 passed by the State Commission, Circuit Bench Jodhpur in Appeal No. 173/2011 - Jodhpur Vidyut Vitran Nigam Ltd. Vs. Mohit Computer and Electronics and order of District Forum dated 31.12.2010 passed in Complaint No. 112 of 2008 -MohitComputer and Electronics Vs. Jodhpur Vidyut Vitran Nigam Ltd. is set aside and complaint stands dismissed with no order as to costs. Complainant is given liberty to approach appropriate authority under Indian Electricity Act for redressal of his grievance.