

(2007) 02 NCDRC CK 0047

In the National Consumer Disputes Redressal Commission

KAUSHAL SAPRA

APPELLANT

Vs

UTTARI HARYANA BIJLI VITRAN NIGAM

RESPONDENT

Date of Decision : 08-02-2007

Acts Referred:

Citation : 2007 3 CPJ 107

Hon'ble Judges : S.N.Kapoor , P.D.Shenoy J.

Advocate : Sikandar Arora

Judgement

1. HEARD. THE complainant took the electric connection bearing Account No. CR-2/35. It was claimed that it was taken for agricultural purpose but he was found running a brick kiln. The officials of the opposite party/respondent wanted to disconnect the electricity connection. The complainant, therefore, filed the complaint on 24th December, 1998, challenging the bill for a sum of Rs. 43,580 on the ground that actual consumption was far less.

2. THERE was some dispute about the meter reading. On the basis of the average consumption from February, 1998 to April 1998 the amount of Rs. 8,151 was debited and added in the bill for the months of December 1998 and January 1999. After receipt of the bill the complainant-petitioner made a part payment of Rs. 1,957 on 18. 1. 1999 and sought permission to deposit the amount in instalments. His request to pay in instalments was allowed. Thereafter, after deposit of Rs. 1,957 the complainant never deposited even a single penny. The connection of the complainant was ordered to be disconnected. But the complainant did not allow the respondent to disconnect the connection. After noticing that the sum of Rs. 8,151 was debited in the bill dated 8th March, 1999, application dated 5th May, 1999 and 3rd March, 1999 to prepare bill as per actual consumption and that the amount of Rs. 8,151 had not been challenged, the District Forum did not find any fault with either of the two bills and dismissed the complaint.

Before the State Commission appeal filed by the petitioner was also dismissed.

3. LEARNED Counsel for the petitioner submitted that there was no document available indicating that the connection was taken for agricultural purpose. The learned Counsel for the petitioner however could not show from the complaint or otherwise that there was any dispute relating to rate of electricity charges. Meter reading as well as amount of Rs. 8,151 on the basis of average consumption from February 1998 to April 1998 had not been disputed while paying a sum of Rs. 1,957 on 18. 1. 1999 and while praying that he should be allowed to pay rest of the amount by instalments. The prayer was accepted and he took advantage of this fact by avoiding disconnection. But he did not pay any amount whatsoever thereafter. The dispute thus related only to the payment of undisputed consumption of electricity as per bill. Non-AVAILABILITY of the contract now as on 7. 9. 2006 would not make any difference for rate of electricity charges was not challenged in the complaint and the meter reading coupled with calculation of Rs. 8,151 as aforesaid was not disputed. So neither the rate nor electricity consumption was in dispute when the amount was sought to be deposited by instalments. The petitioner took advantage of the concession given to pay the amount in instalments but he did not fulfil his commitment. In this light it is apparent that the petitioner did not approach the Consumer Fora with clean hands. Consequently, the Consumer Fora would not render any assistance to him.

4. IN the aforementioned circumstances, we do not find any force in this revision petition and it is dismissed accordingly. Revision Petition dismissed.