

(2007) 08 NCDRC CK 0071

In the National Consumer Disputes Redressal Commission

KERALA STATE ELECTRICITY BOARD

APPELLANT

Vs

G KRISHNAN NAIR

RESPONDENT

Date of Decision : 07-08-2007

Acts Referred:

Citation : 2007 3 CPR 92 : 2007 4 CPJ 81

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

Judgement

1. PETITIONER was the opposite party before the District Forum, where the respondent/complainant, Mr. G. Krishnan Nair, had filed a complaint alleging deficiency in service on the part of the petitioner.

2. VERY briefly, the facts of the case are that the complainant approached the petitioner, Assistant Executive Engineer for getting electric connection for his residence from the electric pole erected for which the petitioner prepared an estimate of Rs. 5,600 for drawing the electric line to his house across the property of one Mrs. Shylaja. He deposited Rs. 8,200 for getting electric connection under OYEC Scheme. In response to deposit this money, the petitioner's officials came and started drawing the line across the property of Mrs. Shylaja, which was objected to by Mrs. Shylaja. The complainant asked these officials to draw the line along with the boundary wall as he has already deposited Rs. 8,200 for drawing the line through boundary. Since the objection raised by Mrs. Shylaja was later on withdrawn and line was allowed to be drawn from over the property of Mrs. Shylaja, but instead of carrying out drawing line, over objector's property they asked for additional Rs. 500 special deposit for getting the order from the District Collector to bring the connection line to the complainant. When the connection was not being given to the complainant a complaint was filed before the District Forum, where after contest the District Forum allowed the complaint and awarded the following reliefs: "1. The opposite parties should give service connection to the complainant by drawing the line through the boundary of the property of Smt. Shylaja by putting necessary posts for the purpose. 2. The opposite parties should refund Rs. 8,200 to the

complainant with 16. 5% interest from December, 1997 onwards till payment; 3. The opposite parties should pay a compensation of Rs. 3,000 to the complainant. 4. A cost of Rs. 1,000 is to be paid by the opposite parties. "

Aggrieved by this order, an appeal was filed before the State Commission, who after hearing the parties partly allowed the appeal by modifying the order that the amount of compensation was reduced from Rs. 3,000 to Rs. 1,000 and cost from Rs. 1,000 to Rs. 500. Not satisfied with this relief this petition has been filed before us.

When the case was taken for admission hearing, none appeared on behalf of the petitioner, hence he is proceeded ex parte.

3. WE have perused the material on record and also perused the provisions of Section 16 (1) of the Indian Electricity Act, 1910. After perusal of material on record, we find that it is not in dispute that the line was to be carried through the middle of the property of Smt. Shylaja hence in such cases there was no question of taking up the "digging" of any area, on the boundary of any other person for which Rs. 8,200 had been obtained from the complainant. In view of above, Section 16 (1) of the Act has no relevance. This section will be relevant only when the connection has to be given by laying line, circumventing the premises of the habitants in between the two points. Since line was to be taken from over the property of Smt. Shylaja they could have demanded charges only for this purpose. There is a concurrent finding of fact by both the lower Fora that Smt. Shylaja had agreed to permit the line to be taken over her property. In view of above, we see no merit in this Revision Petition, hence dismissed. Revision Petition dismissed.