

(1993) 11 NCDRC CK 0045

In the National Consumer Disputes Redressal Commission

Kerala Water Authority

APPELLANT

Vs

K.SAMITHA VARMA

RESPONDENT

Date of Decision : 01-11-1993

Acts Referred:

Citation : 1994 3 CPJ 133 : 1995 1 CPR 222

Hon'ble Judges : P.K.Shamsuddin , C.G.Sethu Lakshmi , K.Balakrishnan Nair J.

Final Decision : Ordered Accordingly

Judgement

1. IN all these appeals, the second Opposite Party viz., the Managing Director, Kerala Water Authority, Thiruvananthapuram is the appellant. The complaints were filed by consumers of water supplied by the Second Opposite Party. Originally it was the Corporation which was supplying water and probably for that reason the Commissioner of Corporation was also impleaded.

2. THE grievances of all these complainants were that they were not getting water regularly during normal hours. According to the complainant that would amount to deficiency in service of the 2nd Opposite Party. The first Opposite Party filed version stating that the responsibility to supply water rests with Opposite Party No. 2 with effect from 15-11-90. He also stated that scarcity of water was due to increasing population. The 2nd Opposite Party filed version stating that the responsibility to supply water regularly rests with the first Opposite Party. It was also stated that most part of the city could be supplied with water only on alternate days and that too for a limited period and there is proposal for augmentation of the supply with the assistance from the World Bank. They also admitted that under the arrangement then in existence it was not possible to meet an increasing demand for water in the city.

The District Forum found that with effect from 1-4-89 the obligation to supply water is rested with the Kerala Water Authority and it was decided in a conference of the concerned officers in the presence of the Hon'ble Minister for Irrigation & Water Supply that the Distribution System maintained by the Opposite Party No. 1 would be handed over to the Opposite Party No. 2 within

11.9.90. In view of the above position, the District Forum found that the responsibility to supply Water rests with the 2nd Opposite Party. It also found that there is deficiency in the service. Finally it passed an order directing the Opposite Party No. 2 to ensure that the complainant gets water at a minimum rate of 120 litres per head on alternate days during specified interval of time on the day which shall be previously notified. There was also a direction to pay compensation ranging from Rs. 100/- to Rs. 150/-.

3. IN this appeal the direction contained in the impugned orders has been challenged. The learned Counsel appearing for the appellant placed before us a consumer chart along with a proforma from 4 of the complainants stating that from 22-4-1993 onwards, they are getting water in a satisfactory condition. Learned Counsel submitted that two of the complainants are out of station. IN the circumstances learned Counsel argued that the directions contained in the impugned order are unnecessary. Though notices were sent to the complainants none of them appeared before us. We do not find any reason to disbelieve the statement filed by the Counsel on behalf of the appellant which would reveal that the complainants are getting water in a satisfactory manner. In the circumstances we are inclined to vacate the direction contained in the impugned order regarding supply of water. Learned Counsel submitted that directions to pay compensation ranging from Rs. 100/- is unjustified. There was deficiency in service and it cannot be said that the award of compensation to the complainants is unjustified. However it has come out now that from 22.4.93 the complainants are getting water satisfactorily. We, therefore, modify the order and hold that each of the complainants in this case will be entitled to get a total amount of Rs. 350/- as compensation. We make it clear that payment will be made by the Kerala Water Authority and not the 2nd respondent in person. Appeals are disposed as above. Ordered Accordingly. _____