

(2012) 10 NCDRC CK 0058

In the National Consumer Disputes Redressal Commission

KRISHAN KUMAR

APPELLANT

Vs

SUB-DIVISIONAL OFFICER , Uttari Haryana Bijli Vitran Nigam
Ltd

RESPONDENT

Date of Decision : 12-10-2012

Acts Referred:

Citation : 2012 0 NCDRC 589

Hon'ble Judges : K.S.Chaudhari , Suresh Chandra J.

Advocate : Palak Gupta

Judgement

1. DELAY of one day in filing this revision petition is condoned.
2. THE only issue which arises in this revision petition is as to whether the consumer complaint filed by the petitioner was time-barred. Briefly stated, the petitioner applied for a tube-well electric connection with the respondent Authorities vide his application dated 28.12.1992 and deposited security fees and completed other required formalities in this regard. After applying for the connection, the petitioner paid several visits requesting the respondents to release it in his favour but without success. It is submitted that vide notice No.3409, the respondent Authorities demanded huge amount under the new scheme of the Government called Tatkal Scheme which, according to the petitioner, was not binding upon him. Eventually, the petitioner lodged a complaint with the District Forum on 6.7.2010 praying for direction to the opposite parties / respondents to release the connection in favour of the complainant/petitioner with immediate effect without insisting for payment of the additional amount as per the demand notice issued to him. He also prayed for compensation for loss and harassment as well as the cost of litigation. On being noticed, the respondent Authorities denied any deficiency in service on their part and resisted the complaint on the ground that it was time barred and hence could not be entertained by the consumer Fora.

After hearing the parties and appreciating the evidence placed before it, the District Forum dismissed the complaint as being time barred in terms of sub-

section (1) of section 24-A of the Consumer Protection Act, 1986.

3. AGGRIEVED by the aforesaid order of the District Forum, the petitioner filed an appeal before the State Consumer Disputes Redressal Commission, Haryana, Panchkula ("State Commission " for short) which was also dismissed by the State Commission vide its impugned order dated 25.5.2012 which is now under challenge through the present revision petition. We have heard Mr. Palak Gupta, Advocate, learned counsel for the petitioner and perused the record placed before us by the petitioner. It is not under dispute that the application for the tube-well connection in question was filed on 28.12.1992. The District Forum accordingly held that the cause of action in this case accrued in favour of the petitioner on 28.12.1992 but since the complaint was filed on 6.7.2010, the same was time barred on the date of its institution. It is submitted on behalf of the petitioner that the application of the complainant for release of the tube-well connection was cancelled by the opposite parties on 18.3.2005 and hence the District Forum was wrong in reckoning the limitation period from the year 1992. The State Commission in its impugned order has observed that even if the cause of action is assumed to have arisen on 18.3.2005, even then the complaint was time barred on the date of its institution on 6.7.2010 because under section 24-A of the Act of 1986, no complaint can be entertained after the expiry of the period of limitation of two years. The State Commission, therefore, upheld the decision of the District Forum and dismissed the appeal of the complainant. We agree with the view taken by the State Commission because the same is in line with the law laid down by the Apex Court in the case of State Bank of India Vs. B.S. Agricultural Industries [(2009 (2) CPC 1]. In the circumstances, there is no case for our interference with the impugned order and the revision petition stands dismissed in limine with no order as to costs.