
(2002) 10 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

LT.COL.N.K.GHAI

APPELLANT

Vs

PUNJAB STATE ELECTRICITY BOARD

RESPONDENT

Date of Decision : 24-10-2002

Acts Referred:

Citation : 2002 3 CLT 531 : 2003 1 CPJ 32 : 2003 2 CPR 427

Hon'ble Judges : H.S.Brar , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Revision Petition allowed

Judgement

1. THE main grievance of the petitioner is against the District Consumer Disputes Redressal Forum, Ludhiana (hereinafter called the "District Forum") for not hearing his complaint at an early date.

2. ACCORDING to the petitioner, who is present in person, though even in a normal course, the District Forum had taken more time than required to complete the evidence of the parties in the case, yet after the completion of evidence by both the parties on September 16, 2002, the complaint was adjourned to December 2, 2002 for arguments despite the request of the petitioner to the District Forum for early hearing of the case. The petitioner on September 24, 2002 had filed an application before the District Forum for preponing the case on the ground that the complaint pertained to an urgent matter relating to an illegal disconnection of an electric connection (since March, 2002 by the Punjab State Electricity Board). A prayer was also made that a copy of the order dated September 16, 2002 be supplied to him. Neither the copy of the order passed on September 16, 2002 was supplied nor the matter was preponed.

Invoking our jurisdiction under Section 17(1)(b) of the Consumer Protection Act, 1986, we called for the records of the District Forum. The District Forum passed the following order on September 16, 2002 : "Present : Complainant in person. Mr. G.S. Chaina, Advocate for the O.P. Parties have filed their affidavits and documents. No other evidence claimed. For arguments, to come up on 2.12.2002."

3. WE also find on the records of the case an application filed before the District Forum for early hearing of the case. The application of the petitioner-complainant was dismissed by the District Forum on September 24, 2002 by passing the following order : "Appearance : Complainant in person. Present : T.R. Arora, Member The case is already fixed for arguments on 2.12.2002 and date of arguments cannot be prepared especially when six cases for arguments are fixed on every working day...."

The action of the District Forum in dismissing the application of the petitioner-complainant for early hearing smacks of arbitrariness and non-application of mind. It is not a valid ground for not pre-poning the case for early hearing if 6 cases are fixed for arguments by the District Forum on every day. It is not understood as to why even 10 cases could not be heard on a single day by the District Forum. In any case, if an urgency is involved in a matter, it can always be heard early. It is not the case that the District Forum was so over-burdened with the work that 20/30 cases were fixed on all the earlier working days and one urgent matter could not preponed for hearing on an earlier date. The action of the District Forum is even against the object and purpose of the Consumer Protection Act. The Act demands the speedy disposal of the cases. In this case, admittedly the parties had produced their evidence on September 16, 2002 but a very long adjournment was given for arguments. Arguments should have been heard immediately after the evidence was completed. Here in this case, according to our view, the application of the petitioner for early hearing has been declined without any cogent reason and also in a very arbitrary manner. This type of order is not expected from a District Forum when deciding the matters under the Consumer Protection Act. In the case in hand, surely the District Forum has acted in exercise of its jurisdiction illegally and with material irregularity.

4. CONSEQUENTLY, the revision petition is allowed. District Forum is directed to hear the arguments in the complaint on November 14, 2002. District Forum is also directed to inform the opposite party in the complaint of the date fixed for arguments. The petitioner, who is present in person, is directed to appear before the District Forum on November 14, 2002. The records of the case be sent to the District Forum immediately. The order of this Commission be also got noted down by the Members of the District Forum immediately. Revision Petition allowed.