

(1992) 11 NCDRC CK 0043

In the National Consumer Disputes Redressal Commission

MANAGING DIRECTOR

APPELLANT

Vs

BALMIK SINGH

RESPONDENT

Date of Decision : 28-11-1992

Acts Referred:

Citation : 1993 1 CPJ 513

Hon'ble Judges : V.S.Kokje , M.L.Tiwari J.

Final Decision : Appeal allowed with costs

Judgement

1. THIS is an appeal against majority judgment of the District Forum, Rewa in which the appellants have been directed to pay Rs. 5,000/- as compensation and Rs. 200/- as expenses for having committed deficiency in supplying electricity. The President of the Forum in his minority judgment has rejected the claim.

2. THE complainant alleges that electricity was not supplied to him continuously which was put him to loss. THE learned President of the Forum has in his decision observed that there was no deliberate cut in the electricity effected for the complainant alone by the non-applicants. If, this is so it is clear that the complainant is being treated equally as other consumers and, if the appellants are not in a position to supply electricity continuously for 24 hours in a day it cannot be said to be a deficiency in service. It has also not been proved that there was any contract for uninterrupted supply of electricity around the year. We are in agreement with the view expressed by the Learned President of the Forum. THE Learned Members have held the appellants responsible only because there was a power cut. THEy have not taken into consideration as to whether there was any deficiency in service on the part of the appellants or not. Simply because there was a power cut enforced, it cannot be said that there was deficiency in service. As there is no deficiency in service, there is no question of any compensation. We therefore, agree with the view expressed by the Learned President of the Forum who has dismissed the complaint.. THE appeal is therefore allowed. THE complaint is dismissed. THE respondent to pay the costs of appeals before the Forum as well as before the Commission. THE costs

quantified for both the Courts at Rs. 500/-. Appeal allowed with costs.