

(1998) 10 NCDRC CK 0016

In the National Consumer Disputes Redressal Commission

MUNICIPAL COMMITTEE (NOW MUNICIPAL COUNCIL)

APPELLANT

Vs

SHRI KRISHAN CHAND

RESPONDENT

Date of Decision : 21-10-1998

Acts Referred:

Citation : 1999 2 CLT 88 : 1999 3 CPJ 441

Hon'ble Judges : A.L.Bahri , Jasbir Singh , Davinder Kaur Bhamrahs J.

Final Decision : Appeal allowed

Judgement

1. DISTRICT Forum, Bathinda accepted the complaint filed by Krishan Chand, resident of Poojawala Mohalla, Bathinda and directed the Executive Officer, Municipal Committee, Bathinda to supply water for 10 hours in a day as detailed in the instructions (Ex. A2). The opposite party was also directed to pay costs of Rs. 1,000/- to the complainant. This order is under challenge in this appeal filed by the Executive Officer of the Municipal Committee. In appeal, the grouse is only with respect to the directions aforesaid that the Municipal Committee should supply water to the complainant for 10 hours in a day. Thus, it is not considered necessary to refer to the pleadings of the parties in detail.

2. THE complainant will be a consumer qua the Municipal Committee, Bathinda for hiring services of the Committee for supply of water for which he is to be charged. THERE may be different modes of imposing charges for the water supply i.e. as per readings of the meters installed or at a flat rate. No directions as contemplated in the impugned order could be issued by the District Forum for performance of the contract or official duty as provided under the Municipal Laws in the matter of supply of water in any quantity or any particular hours of the day. Such like directions are difficult to comply with as the same depend upon availability of the water at the source. Normally, the Municipal Committee is expected to supply water 24 hours, but the fact cannot be lost sight of that there is shortage of water. That is why hours of supply of water are limited by executive instructions or orders, one of them being Annexure A2. Vide these instructions, the supply was restricted to 10 hours in a day. We are of the view

that inspite of such instructions, no direction could be given by the FORA on the complaint adhering to the schedule of 10 hours in a day for supply of water. For non-supply or short-supply of water, the Municipal Committee is not to be hauld up for compensation for the loss if any suffered by the consumers as it will not amount to deficiency in service. THERE may be a legal duty cast upon the Municipal Committee under the provisions of the Municipal Laws to make provisions for supply of water. Non-compliance of such duty will not amount to deficiency in rendering service as contemplated under the provisions of the Consumer Protection Act. THE service hired by the consumer in such like matters is for supply of water for which charges are levied. It may be observed that such charges are levied after supply of water is effected. THERE is no contract as such or legal obligation that for 24 hours the Municipal Committee was duty bound to supply water. Such supply, it may be observed, is dependent on the availability of the water during the day. For the reasons recorded above, this appeal is allowed and the directions given by the District Forum are set aside and the complaint stands dismissed. Appeal allowed.