
(1997) 05 SC CK 0091

In the Supreme Court Of India

Case No : Civil Appeal No. Of 1997

Nagrik Parishad Pauri Garhwal

APPELLANT

Vs

Garhwal Jal Sansthan and Others

RESPONDENT

Date of Decision : 02-05-1997

Acts Referred:

Citation : (1997) 10 JT 664 : (1997) 5 SCC 481 : (1997) SCC(L&S) 1230

Hon'ble Judges : S. B. Majmudar, J; M. M. Punchhi, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. Special leave granted.

2. On hearing learned counsel we get to the view that this appeal be allowed and the order of the National Consumer Dispute Redressal Commission, New Delhi, impugned herein, should be reversed and the matter remanded to it for fresh decision of the Revision Petition before it. We do not intend to hedge, in any manner, the jurisdiction of the Commission but suffice to mention that the word "consumer" is by itself defined in Section 2 (4) of the UP Water Supply and Sewerage Act, 1952 to mean any person getting the benefit of any water supply or sewerage service from the local body Jal Sansthan or the Nigam as the case may be. Here the Nagrik Parishad, the representative body of the consumers have alleged lack of service and have placed on record the water bills which some of them have been receiving for payment allegedly on account of the water supply. It is otherwise not denied that the pipeline has been laid and water meters have been put at the consumers residences. The dispute here was for failure of, services because of lack of water supply. It was nowhere in dispute that water tax was being charged from the consumers but that was a different liability. It is the bills received and paid by the consumers which were reflective of the obligation of the Jal Sansthan to be supplying water to the consumers. It is for these reasons we have thought it proper to send the matter back for a fresh decision, since it had been assumed that water tax alone was being

charged from the consumers.

3. The appeal accordingly is allowed and the matter is remitted back to the National Commission for proceeding further in accordance with law. We make it clear that should the appellant chose to place on record further documentary evidence to support their case, the Commission would not deny them the opportunity of doing so.