
(2004) 06 NCDRC CK 0068

In the National Consumer Disputes Redressal Commission

Nagulal

APPELLANT

Vs

Ajmer Vidyut Vitran Nigam Ltd.

RESPONDENT

Date of Decision : 11-06-2004

Acts Referred:

Citation : 2005 2 CPJ 367

Hon'ble Judges : M.A.A.Khan , Sushma Tanwar J.

Final Decision : Appeal allowed

Judgement

1. SH. Narendra Dev filed power of attorney holder executed in his favour by Nagulal appellant. He is allowed to prosecute the appeal on behalf of the appellant.

2. HEARD. The grievance of the appellant was that it was as back as on 4.11.1996 that he had deposited the amount as demanded by the respondent from him for providing an electric connection for domestic purposes. But the same was not provided to him. Instead another demand notice dated 1.9.2001 was issued to him requiring him to deposit a sum of Rs. 12,750/-. Since the appellant had already deposited a sum of Rs. 700/- with the respondent in compliance of the demand notice dated 4.11.1996 and had also submitted the "L" form, which fact has also been found correct by the Forum, the appellant declined to deposit the demand raised from him vide notice dated 1.9.2001. The Forum however, dismissed the complaint of the appellant on the short ground that prayer relating to release of the electric connection to him on the basis of demand notice dated 4.11.1996 was barred by limitation and since the demand required by the respondent to be deposited as per demand notice dated 1.9.2001 was not deposited by the appellant, his complaint was not maintainable. Hence this appeal by the appellant.

Since it has not been denied that the appellant had deposited a sum of Rs. 700/- for obtaining electric connection for domestic purposes and had also submitted the "L" form, not providing an electric connection to him under such circumstances would not result in loss of his right. Since the appellant was never

informed of rejection of his request, he had no cause of action against the respondent to file a complaint before the Forum. In fact the Forum has itself appreciated this point. It has directed that the appellant may take steps for refund of the amount of Rs. 700/- deposited by him on 4.11.1996. Once the Forum has appreciated the grievance of the appellant in that prospective, it should not have declared the complaint filed by him as barred by limitation. The approach adopted by the Forum was not correct.

3. IN so far as the question of not depositing the amount claimed by the respondent from the appellant as per demand notice dated 1.9.2001 is concerned, there was no basis for such demand as earlier application of the appellant had not been rejected by the respondent. The Forum has itself pointed out that there was no material before it to take a view that the appellant had not deposited the "L" form after depositing the amount of Rs. 700/- in compliance of demand notice dated 4.11.1996. Therefore, the view taken by the Forum with regard to the demand notice dated 1.9.2001 was totally baseless. In view of the above the impugned order is set aside and the appeal and complaint of the appellant allowed. The respondents are directed to provide the electric connection for domestic purposes to the appellant within a period of two months from the date of service of this order upon them. The connection shall be provided on the basis and in terms of demand notice dated 4.11.1996. In the event of non-compliance of this order by the respondents, interest @ 9% p.a. shall be payable by them on the amount of Rs. 700/- from 1.1.1997 till connection is provided to him. The appellant shall further get a sum of Rs. 500/- as cost of litigation. Appeal allowed.