
(2004) 07 NCDRC CK 0036

In the National Consumer Disputes Redressal Commission

NATHIYA DEVI

APPELLANT

Vs

Delhi Jal Board

RESPONDENT

Date of Decision : 20-07-2004

Acts Referred:

Citation : 2004 4 CPJ 564 : 2005 1 CPR 349

Hon'ble Judges : J.D.Kapoor , Mahesh Chandra J.

Final Decision : Appeal disposed of

Judgement

1. THE grievance of the appellant is that respondent has not cared to supply the minimum quantity of water for which he has been charging from him for several years and, therefore, she prays that either she should be charged for actual consumption or else she should be ensured the supply of minimum quantity of water. However, the complaint filed by the appellant for aforesaid grievance was dismissed vide order dated 26.2.1997 passed by District Forum-III, Janak Puri, New Delhi in view of the statutory provision of Clause 1(b), which provides that consumer will be charged for 20 kilolitres per residential unit @ .35p. per kilolitre and excess consumption @ .70p. per kl. subject to minimum charges of Rs. 7.50 per month per dwelling unit.

2. ACCORDING to this clause water connection in JJ and resettlement colonies/ rural areas are chargeable @ 7.50 p. per month including cess plus 30%. It is now contended by the learned Counsel for the respondent that short supply of water for any reason whatsoever is beyond their control and, therefore, even if consumption is less than 20 kl. charges will be as per Clause 1(b) and, therefore, during summer season when there is scarcity of water, the respondent always undertakes to supply water through tankers and since the appellant has never approached for supply through tankers she is not entitled to pay charges for the actual consumption.

We are afraid such an interpretation verges on deficiency of service and against the interest of consumer.

3. MAY be that Clause 1(b) provides minimum charges will be levied not only even if consumption is less than 20 kls. But also that a respondent is not in a position to supply the said quantity that consumer cannot be put to such inconvenience and jeopardy that he has to pay minimum amount for the quantity of water which he has been receiving over the years. In order to justify the minimum charges an obligation is cast upon the respondent to provide water through tankers. It is also the duty of the respondent to provide water without being approached by the consumer during the summer season when there is shortage of supply. However, non supply of water for several years to the appellant through tankers is itself a ground for award of compensation to the appellant on account of deficiency in service on the part of the respondent. It was for the respondent to show that they had supplied supply water to the appellant during the period when the appellant had been complaining that actual consumption was much less than 20 kls. and the respondent has never cared to supply the deficient water through tankers. Levy of minimum charges for 20 kls. of water was to bring about uniformity in the pattern but it did not absolve the respondent from supplying the minimum quantity for which the respondent has been receiving the charges by way of supplementing the supply through tankers.

4. NO person can take advantage of his own negligence. The minimum obligation cast upon the respondent was to supply at least 20 kls. quantity required for consumption for which the respondent was charging. Any authority however big cannot be permitted to act arbitrarily under the garb of some legal or statutory protection. Legal provisions are for the benefit of the consumers. It is the bounden duty of the respondent to supply minimum quantity of 20 kls. water and if the supply by ordinary means is impossible, the respondent should supply water through tankers. Water is very essential for life and the main source for living comfortably. The respondent cannot absolve its liability to pay compensation to the consumer if it fails to provide minimum quantity of water for which it is receiving charges. If the Authority is given such a power that it can charge the person for service which he does not provide, then the respondent will on the one hand disconnect the ordinary water supply to the consumers for non-payment of minimum charges and on the other hand would from the obligation of supplying deficient water through tankers. Taking overall view of the matter and looking into the nature of service being provided by the respondent and the money being charged by them for the supply of minimum water either through tankers or other modes we deem appellant is entitled for compensation for insufficient service as he has been deprived of the essential service of water for several years. In our view compensation of Rs. 5,000/- would meet the ends of justice for inconvenience and mental agony suffered by the appellant at the hands of the respondent besides the costs of litigation awarded by the District Forum. The awarded amount of compensation be paid to the appellant within one month of the date of this order. The above mentioned appeal, filed by the appellant, stands disposed of in above terms. Appeal disposed of.