
(2012) 05 NCDRC CK 0070

In the National Consumer Disputes Redressal Commission

Neelam Chhabra

APPELLANT

Vs

UTTAR HARYANA BIJLI VITRAN NIGAM LTD

RESPONDENT

Date of Decision : 29-05-2012

Acts Referred:

Citation : 2012 0 NCDRC 814 : 2012 3 CPJ 65

Hon'ble Judges : R.C.JAIN , S.K.NAIK J.

Final Decision : Appeal dismissed

Judgement

1. CHALLENGE in these proceedings is to the order dated 14.10.2011 passed by Haryana State Consumer Disputes Redressal Commission (for short the State Commission ") in FA No. 457/2009. The appeal before the State Commission was filed against order dated 30.1.2009 passed by the District Consumer Disputes Redressal Forum, Karnal in complaint No. 134/2007 which was partly allowed by the said District Forum thereby quashing the demand made by the respondent electricity supply company. The State Commission allowed the appeal and set aside the order passed by the District Forum primarily on the ground that the complainant was not a "consumer " of electricity company as the electricity connection stood in the name of certain Shadi Lal, who had not filed the complaint. While doing so, the State Commission relied upon the judgment of this Commission in the case of Hari Prasad v. U.H.B.V.N.L., Panchkula & Ors., II (2010) CLT 558, in which case this Commission clarified the position and took the view that any person other than the holder of the electricity connection is not a beneficiary within the meaning of Section 2(l)(d) of the Act and is not entitled to approach the. consumer Fora for the redressal of his/her grievance. The State Commission accordingly dismissed the complaint.

2. MR . Reepak Kansal, Counsel for the petitioner would assail the impugned order primarily on the ground that it not based on correct and proper appreciation of the facts and circumstances and evidence and material brought on record. He submits that the electricity supply company had acceded to the request of the complainant for changing the meter and, therefore, she should be

deemed to be a "consumer ". We reject these contentions even if it is factually correct because the connection continued to be in the name of Shadi Lal. In our view, the order passed by the State Commission is eminently justified and is in consonance with the law as settled by this Commission. The impugned order does not suffer from any illegality, material irregularity much less any jurisdictional error warranting interference by this Commission. Dismissed. However, we preserve the right of the petitioner/complainant to work out her remedy before any other appropriate Court/Forum in accordance with law, if so advised. Revision dismissed.