

(2003) 12 NCDRC CK 0073

In the National Consumer Disputes Redressal Commission

PARITOSH DUTTA

APPELLANT

Vs

SUPERINTENDING ENGINEER (ELECTRICAL), CESCO

RESPONDENT

Date of Decision : 16-12-2003

Acts Referred:

Citation : 2004 2 CPJ 395

Hon'ble Judges : D.M.Patnaik , Pramodnath Das J.

Advocate : P.C.Panda , B.K.Nayak

Judgement

1. THE complainant alleges that although he had paid all arrear dues in respect of his domestic power supply yet the Cescos authorities by their bills date 10.1.2001 and 9.9.2002 included those arrear amounts in the said bill and demanded a sum of Rs. 27,720.18 for payment. Though he moved them with regard to the first bill dated 20.10.2001 stating it to be a wrong one the authorities did not take any steps to rectify the defects rather for non-payment of the dues they disconnected the power supply on 20.11.2002.

2. THE Cescos authorities in the written version took the stand that in fact the complainant's power supply was not disconnected as alleged on that date, rather he did not pay the amount under the bill but still he enjoys the power supply. Heard Mr. P.C. Panda, the learned Counsel for the complainant and Mr. B.K. Nayak, the learned Counsel for the O.Ps. Perused the bills and other materials on record. There is no material from either side to hold whether line was disconnected on 20.11.2002. However, we accept the case of the complainant that power supply has been disconnected on 30.10.2003 as informed by the learned Counsel for the complainant. Thus presently the complainant is going without any electricity.

Admittedly these two bills dated 10.1.2001 vide Annexure-2 and the bill dated 9.9.2002 are the two bills which indicate the arrear electricity charges of Rs. 26,483.68 and Rs. 27,720.18 respectively (vide Annexures- 2 and 3) while it is the case of the complainant that he has paid the bills and has no arrear, but unable to produce the receipts having been destroyed during the last Super

Cyclone in October, 1999, it is the case of the Cesco authorities that in fact he has not paid the amount. Neither of the parties produced any material from their side to indicate that in fact this amount of Rs. 25,326.84 relates to the arrear dues and in respect of which months. The complainant has to not produced anything, any receipt indicating such payment nor the department have produced the copy of the ledger to indicate that the complainant has not paid the same. Be that as it may, in the absence of any material to hold either way we have thought it appropriate that the matter should remain as a dispute to be settled by the Designated Authority under the Code.

3. SO far as the disconnection part is concerned, by our earlier order dated 27.1.2003 we directed the complainant to deposit a sum of Rs. 5,000/- towards the disputed bill without prejudice and once this was done power supply should be restored. While it is the contention of Mr. Nayak that the complainant has not deposited the same amount, and still enjoying the power supply, there is no material from the side of the complainant to indicate that in fact he has deposited Rs. 5,000/- in order to enable the department to restore power supply. Be that as it may, complainant has not complied with the order dated 27.1.2003 in depositing the said amount. The learned Counsel for the complainant has not informed this Court that it has been so deposited. Therefore, while disposing of this complaint petition we direct the complainant to move the Designated Authority under the Code and the said Authority should verify the official record to intimate whether the complainant has paid the amount as arrear amount claimed by him or not and accordingly take a decision in the matter.

4. SINCE the complainant cannot go without electricity we direct that in case the complainant has deposited a sum of Rs. 5,000/- as per our order dated 27.1.2003, he shall deposit further sum of Rs. 5,000/- towards the arrear bills without prejudice to be finally adjusted after the adjudication by the authorities. If not, let him deposit Rs. 10,000/- in order to avail the power supply. The moment this amount either of Rs. 5,000/- or Rs. 10,000/- as the case may be, is deposited, power supply shall be restored within a period of 24 hours from the time of deposit. The case is disposed of. No cost. He shall go on paying the current charges when so demanded. Complaint disposed of.