
(2011) 04 NCDRC CK 0030

In the National Consumer Disputes Redressal Commission

Pramod Kumar Sahu

APPELLANT

Vs

EXECUTIVE ENGINEER

RESPONDENT

Date of Decision : 26-04-2011

Acts Referred:

Citation : 2011 0 NCDRC 238

Hon'ble Judges : S.K.Naik J.

Final Decision : Appeal dismissed

Judgement

1. THIS revision petition filed by the original complainant Pramod Kumar Sahu arises out of order dated 29th of July, 2010 passed by the M.P. State Consumer Disputes Redressal Commission, Bhopal (State Commission for short) in the complainant/petitioner's appeal. The State Commission while disposing of the appeal has awarded a compensation of Rs.5000/- to be paid by the respondents/opposite parties for their reckless attitude in not providing the electricity connection to the complainant.

2. THE petitioner was the complainant before the District Consumer Disputes Redressal Forum, Chhatarpur, M.P. (District Forum for short). He had alleged deficiency in service on part of the respondents/opposite parties, inasmuch as he had applied for an electricity connection on the 21st of July, 1998 and had deposited a sum of Rs.725/- as asked for by the respondents/opposite parties on the 16th of December, 1998 but despite the lapse of a long period of nine years he had not been given the electricity connection. Disgusted with the apathetic treatment of the respondents/opposite parties he had sought the refund of his deposited amount, which was also not done by the respondents/opposite parties. He, therefore, filed a complaint under Section 12 of the Consumer Protection Act, 1986 before the District Forum, seeking refund of his deposit with interest and also compensation at the rate of Rs.1000/- per day as per Section 43 of the Electricity Act, 2003. THE District Forum had held the respondents/opposite parties to be deficient in service and had directed them to provide the electricity connection within one month. It also awarded a compensation of Rs.500/-. Not

satisfied, the complainant challenged this order of the District Forum before the State Commission, seeking enhancement of compensation. However, vide the order impugned the State Commission while maintaining the order of the District Forum has enhanced the compensation from Rs.500/- to Rs.5000/-. Yet not satisfied with the relief granted by the fora below, the complainant has filed this revision petition, seeking enhancement of the compensation as per the provisions of Section 43 of the Electricity Act, 2003. The complainant, who has appeared in person, has been given a patient hearing. He has submitted that the fora below have failed to consider that once a consumer has applied for the supply of electricity connection and deposited the requisite amount, for the delay and failure on part of the respondents/opposite parties to supply such connection within a period of one month the provisions of Section 43 of the Electricity Act, 2003 would be attracted. According to him, once the fora below had arrived at the finding that there had been deficiency on part of the respondents/opposite parties in supply of the electricity connection, they should have considered the applicability of the Section 43 of the Electricity Act, 2003 and as per sub-section (3) of Section 43 of the said Act they should have awarded the penalty, which can extend upto Rs.1000/- per day for each day of default. Against his prayer for imposition of penalty at the rate of Rs.1000/- per day for the delayed period, the fora below ought to have passed an order in accordance with this provision whereas they have only given a paltry sum of Rs.5000/- as compensation. This contention of the complainant has been considered. It has to be noted that consumer fora have a limited jurisdiction. In that, on being convinced that there has been any deficiency on part of any service provider, they can award compensation as deemed proper, reasonable and not as per the asking of a complainant. This both the fora below have done in an appropriate manner. The contention that they ought to have relied upon the provisions of the Electricity Act and imposed penalty on the respondents/opposite parties as per asking of the complainant, it can only be stated that the complainant cannot ask for relief under the said Act because he has himself abandoned his request for supply of electricity connection vide an application dated 9th of April, 2007. Thus, viewed from any angle and having taken note of the fact that the State Commission has enhanced the compensation from Rs.500/- awarded by the District Forum to Rs.5000/-, which is just, proper and reasonable, there is no occasion for this Commission to interfere with the order of the State Commission. The revision petition is, accordingly, dismissed with no order as to costs.