
(1996) 05 NCDRC CK 0089

In the National Consumer Disputes Redressal Commission

PREM CHANDRIKA VERMA

APPELLANT

Vs

GENERAL MANAGER, DESU

RESPONDENT

Date of Decision : 07-05-1996

Acts Referred:

Citation : 1996 2 CPJ 509 : 1996 3 CPR 448

Hon'ble Judges : A.P.Chowdhri , S.Brar , Desh Bandhu J.

Final Decision : Complaint allowed

Judgement

1. BRIEFACTS relevant for the decision of this appeal are that the appellant, who was complainant before the District Forum-I applied for a domestic electric connection for his house situated in the extended Abadi of Village Karawal. He deposited Rs. 525/- on 29.2.88 and another Rs. 10/- on 2.9.88. He followed up the application but ultimately failed to get the electric connection. The complainant approached District Forum-I. The broad stand of the opposite party was (a) that the complainant failed to complete commercial formalities and (b) that the house in question fell in unelectrified area. A Local Commissioner was appointed by the District Forum who, after inspection of the site, reported that the nearest poll was 45 feet from the house of the complainant. The report was challenged on behalf of the opposite party. The District Forum inspected the site on 12.8.94 in the presence of the complainant's husband and Mr. N.D. Sharma, Legal Asstt. and Asstt. Engineer Mr. Tota Ram on behalf of DESU. An Inspection Report was placed on the record. By order dated 24.8.94 the D.F. dismissed the complaint with the finding that the place where electric connection was desired, could not properly be called a house and was rather a barren piece of land. No direction to release the electric connection was given. Aggrieved by the order, the complainant has preferred this appeal.

2. DURING the pendency of the appeal Mr. P.S. Jain, Asstt. Engineer, DESU carried out a fresh inspection and submitted a rough site plan indicating electrified and unelectrified areas in different colours around the house of the complainant which is comprised in Khasra No. 134. We have heard the

appellant's representative and Mr. Ajit Singh, Advocate for the respondent. We may at once refer to the conclusion reached by the learned District Forum as a result of the inspection of the spot namely that the premises where electric connection was required, could not be considered a house. The reasons given in support of this conclusion are : (i) that it was in dilapidated condition; (ii) that the complainant had a separate house inside the village where she already had an electric connection; (iii) that the premises was inhabitable; (iv) that the nearest main line was more than 100 feet away.

In our view the learned District Forum fell into a serious error in taking into consideration the present condition of the premises and describing the same as a barren piece of land. In the same report it was noted by the Forum that the premises had a boundary wall on all four sides, though boundary wall on the eastern side had fallen. It was also noted that the premises had one room. Neither the state of repair nor the fact whether the room was habitable is conclusive to the fact that the premises is a house as long as the owner intends to use the same as a house. It is also not relevant that the complainant had another house in the village. It is common knowledge that the villagers in the northern part of the country generally maintain two houses, one inside the village and the other situated at a convenient place near the fields. In any case there is no bar on any person owning more than one house and requiring electric connection in both the houses. It bears repetition that the place has a boundary wall even though one side of the same might require some repairs. It is also on record that the premises comprises a room. We are clearly of the view that it was beyond the scope of the enquiry to consider whether the room was habitable or not going by complying the usual notions of a city dweller. We have, therefore, no difficulty in reversing the aforesaid finding of the learned District Forum and we hold that the application for new connection has been made in respect of a residential unit. We have heard both the parties at a considerable length. Mr. Ajit Singh conceded that the appellant had already furnished the requisite recommendation from various persons. The only difficulty pointed out by Mr. Ajit Singh was that giving the electric connection would involve one additional electric poll for which the complainant was bound to pay the actual expenses incurred. This is so for the reason that the line would have to be extended to the premises of the complainant solely at his request and for the time being for his exclusive use.

3. AFTER careful consideration we allow the appeal and direct the respondent to provide electric connection for domestic purpose to the appellant within two months from the date of the appellant depositing the requisite charges for installation of one electric poll at an appropriate place so that the line can be brought from the nearest poll upto the premises. The respondent shall intimate within one month of the receipt of this order the expenses which are required to be deposited. In doing so the respondent shall give adjustment of Rs. 535/- already deposited by the appellant way back in 1988. It is made clear that other commercial formalities have concededly been complied with and delay shall not

be caused for non-compliance of any other commercial formality. The respondent shall grant the new connection within two months of the deposit of the amount by the appellant. There will be no order as to costs. A copy of this order be communicated to both the parties as well as D.F. -1. Complaint allowed.
