
(2003) 07 NCDRC CK 0119

In the National Consumer Disputes Redressal Commission

P.S.TOMAR

APPELLANT

Vs

KIRAN DUDEJA

RESPONDENT

Date of Decision : 17-07-2003

Acts Referred:

Citation : 2004 1 CPJ 592

Hon'ble Judges : Lokeshwar Prasad , Rumnita Mittal J.

Final Decision : Appeal allowed

Judgement

1. THIS appeal arises out of an order of District Forum, Nand Nagri, Delhi, dated 24.5.2000 passed in Complaint case No. 347/1998 entitled Smt. Kiran Dudeja v. Delhi Vidyut Board.

2. BRIEFLY stated the relevant facts are that the respondent No.1, Smt. Kiran Dudeja filed a complaint under Section 12 of the Consumer Protection Act, 1986 (hereinafter referred to as "the Act"), averring therein that the respondent No.1 was the consumer of electricity connection bearing No. 614-12299105 since November, 1997. However, the meter in respect of the said connection got burnt and as such the respondent No. 1 had applied for change of the same as well as, for the supply of electricity which had also been disconnected on account of the burning of the meter in question. Despite various efforts and visits of the concerned officials of the appellant, neither the meter in question was replaced nor the supply of electricity was resumed. It was stated that the respondent No. 1 had also deposited Rs. 20,000/- with the appellant on 2.12.1997 together with application for change of the burnt meter. Furthermore again on 11.12.1997, the respondent No. 1 had approached the Nand Nagri Zone of the appellant with the request for changing the meter. In spite of no-objection of Mr. O.P. Rajput, Inspector (MTD), who had reported that the meter had been inspected and could be replaced, as well as, the orders of the concerned Superintending Engineer, Mr. A.K. Garg for the change of the burnt meter. Mr. P.S. Tomar failed to do the needful. As such respondent No.1 filed a complaint before the District Forum, Nand Nagri for the redressal of her grievances. Respondent No. 2, Delhi Vidyut

Board, in its reply/written version filed before the District Forum denied the averments made by the respondent No.1 in her complaint and stated that the supply of electricity to the premises of the respondent No. 1 had been resumed from 22.5.1998 after the change of meter and as such there was no deficiency in service on the part of respondent/DVB.

The learned District Forum vide impugned order held both respondent No. 2, DVB as well as the appellant guilty of rendering deficient service and as such awarded Rs. 4,000/- as compensation and Rs. 500/- as cost of litigation to the respondent No. 1. It was also directed that an amount of Rs. 3,000/- be deducted from the salary of the appellant, Mr. P.S. Tomar on account of his negligence.

3. AGGRIEVED by the aforesaid order, the appellant, Shri P.S. Tomar, has preferred the present appeal before this Commission. We have carefully gone through the documents/material placed on record as well as have heard the arguments advanced on behalf of the appellant and respondent No.1 only, as none was present on behalf of respondent No. 2 at the stage of arguments. Short controversy raised by the appellant in the present appeal is that the appellant was not a party to the complaint filed by respondent No. 1 before the District Forum and as such direction passed by the learned District Forum vide impugned order for deduction of a sum of Rs. 3,000/- from his salary was totally unjustified as the appellant had no opportunity of rebutting the allegation of respondent No. 1 in the complaint or an opportunity of being heard. So far as the above contention of the appellant is concerned, the fact that the appellant was not a party to the complaint has been admitted by the respondent No.1 in her written version filed before this Commission.

4. IN view of the above said admitted fact, the directions passed by the learned District Forum for deduction of Rs. 3,000/- from the salary of the appellant is untenable in law, as it is against the tenets of justice that a person be condemned unheard without being afforded opportunity of defending himself. Accordingly, the impugned order of the learned District Forum is modified to the extent that the direction for deducting Rs. 3,000/- from the salary of the appellant is set aside. With the said modification in the impugned order, the present appeal filed by the appellant is allowed to the extent mentioned above. The present appeal filed by the appellant stands disposed of in the above said terms. Appeal allowed.