

**(2011) 02 NCDRC CK 0035**

**In the National Consumer Disputes Redressal Commission**

Punjab State Power Corporation Ltd.

APPELLANT

Vs

Kuldeep Singh S/o Late Sh. Harnek Singh

RESPONDENT

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**Date of Decision :** 10-02-2011

**Acts Referred:**

**Citation :** 2011 0 NCDRC 78 : 2011 1 CPJ 246

**Hon'ble Judges :** Suresh Chandra J.

**Final Decision :** Petition stands dismissed

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**Judgement**

1. THIS revision petition has been filed by the Punjab State Electricity Board and its Assistant Executive Engineer who were OPs 1 & 2 respectively before the District Forum. Respondent herein is the complainant in this case. Briefly stated, the father of the complainant had applied for AP connection for 3 BHP to the OPs on 14.02.1990 and deposited the requisite amount. Thereafter, the father of the complainant had died. The complainant applied for change of name of AP connection and transfer thereof in his name vide application dated 21.06.2001 and deposited fee of Rs.270/- for the purpose. He also deposited Rs.19,340/- as late fee and charges for extension of load from 3 BHP to 5 BHP with the OPs vide receipt no.133 dated 08.07.2004. The complainant thereafter kept on visiting the office of the OPs for the release of the connection but failed to get it despite the fact that the OPs had released the connections to various other applicants who were junior to the complainant such as Gurdev Singh and Shamsher Singh who had applied later. Alleging deficiency in service on the part of the OPs in this regard, the complainant approached the District Consumer Forum with a consumer complaint. The OPs resisted the complaint but admitted the fact that connections had been released to the other persons mentioned in the complaint because those persons had submitted their test reports on 18.04.2001 whereas the complainant had submitted the test report on 08.04.2007. It was contended by the OPs that the OP Board had changed its policy in this regard vide circular no.22 of 2007 stating that seniority list for releasing the AP connections had been ordered to be maintained from the date of application and as per the said seniority list, the name of the respondent finds mention at serial no.132 and as

such, the connection will be released as per the seniority list. It was submitted by the OPs that there was no deficiency in service. On appraisal of the issues and the evidence adduced, the District Forum vide its order dated 15.12.2008 accepted the complaint and directed the OPs to release the AP connection to the complainant and pay Rs.15,000/- as consolidated amount of compensation and litigation expenses. When this order of the District Forum was challenged by the OP Board before the State Commission, the State Commission vide its impugned order dated 29.10.2010 concluded that there was no irregularity or infirmity in the order of the District Forum and the same was affirmed. The appeal of the OP Board was accordingly dismissed with additional cost of Rs.3,000/-. The present revision petition has been filed by the OP Board against this impugned order of the State Commission.

2. WE have heard learned counsel for the petitioners and have also gone through the orders of the fora below and record of the case. While there is no dispute regarding the broad facts of this case, the main ground on which the petitioners would oppose the orders of fora below is based on the policy contained in the commercial circular no.22/2007 issued by the petitioners. Perusal of the impugned order of the State Commission which is well-reasoned order shows that this aspect has been duly considered by not only the District Forum but also by the State Commission and they have rightly held that the circular having been issued on 30.05.2007 changing the policy in regard to the release of the connections, cannot be made applicable retrospectively and as such, it should not adversely affect the release of connection to the complainant who had registered his name for the purpose long back. In view of this legal position and also the concurrent finding of facts by the fora below, we do not see any justification to interfere with the impugned order while exercising our revisional jurisdiction. The revision petition, therefore, stands dismissed at the threshold but with no order as to costs.