

(2006) 10 NCDRC CK 0052

In the National Consumer Disputes Redressal Commission

RAJASTHAN STATE ELECTRICITY BOARD

APPELLANT

Vs

BRIJ ICE FACTORY, BHARATPUR

RESPONDENT

Date of Decision : 03-10-2006

Acts Referred:

Citation : 2006 3 CPR 302 : 2006 4 CPJ 177

Hon'ble Judges : K.S.Gupta , P.D.Shenoy J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision is directed against the order dated 29.11.1999 of Consumer Disputes Redressal Commission Rajasthan, Jaipur, dismissing appeal against the order dated 31.7.1993 of a District Forum whereby demand of Rs. 7,937.80 towards electricity charges raised by the petitioner/opposite party Electricity Board was quashed.

2. IN nutshell, the facts leading to the filing of present revision are these. Respondent/complainant who was running ice factory, had a connected load of 85 HP from the petitioner Board. By the letter dated 18.9.1990, respondent informed the petitioner Board that the factory which was having seasonal business, will remain closed from 1.11.1990 to 31.3.1991. It was alleged that petitioner Board issued bill of minimum charges of 7,937 in the billing month of April, 1991 for the off season month of March, 1991. By the letters dated 25th and 26th April, 1991, respondent objected to the raising of this demand. However, under protest the said amount was deposited. Complaint filed seeking quashment of the said demand by the respondent later on was contested by filing written version by the petitioner Board before the District Forum. It was not disputed that respondent was having conneced load of 85 HP for running ice factory and bill of Rs. 7,937 was issued for the month of March, 1991. However, it was claimed that the bill was raised as per the tariff rules. Short submission advanced by Mr. Rohit Madan for petitioner is that the electric connection provided at the respondents factory was regular and not seasonal and respondent was, thus, liable to pay minimum charges for month of March, 1991.

To be only noted that this plea of electric connection being regular and not seasonal was neither taken in the written version nor any evidence adduced in support thereto. Order of District Forum notices that no bill towards minimum charges was raised by the petitioner Board for the period 1.11.1990 to 28th February, 1991. This indicates that the factory was being was being treated as seasonal industry by the Board. Demand in question was thus, bad in law. There is no illegality or jurisdictional error in the order passed by State Commission warranting interference in revisional jurisdiction under Section 21(b) of Consumer Protection Act, 1986.

Accordingly, revision is dismissed. No order as to cost. Revision Petition dismissed.