

(2013) 05 NCDRC CK 0066

In the National Consumer Disputes Redressal Commission

Rakesh Pathak

APPELLANT

Vs

NEW DELHI MUNICIPAL COUNCIL

RESPONDENT

Date of Decision : 03-05-2013

Acts Referred:

Citation : 2013 0 NCDRC 349 : 2013 3 CPJ 455

Hon'ble Judges : V.B.GUPTA , Rekha Gupta J.

Judgement

1. SHRI R.C.L. Pathak (since deceased)/Complainant filed a consumer complaint before District Consumer Disputes Redressal Forum, Kasturba Gandhi Marg, New Delhi (For short, "District Forum ") against respondent/opposite party for taking water charges, meter rent and others not due from complainant by adopting unfair and restrictive trade practices and in alternative also charged excess of fair value.

2. THE complaint was contested by the respondent. District Forum, vide order dated 19.3.2007 allowed the complaint and passed the following directions; "We direct the OP to refund to the complainant the following charges. i) Rs.6986/- charged on account of arrears for providing the new connection. ii) The sum of Rs.3500/- charged from the complainant on account of sewer line which was never provided because the same already existed. iii) The sum of Rs.3312/- charged on account of road cutting.

We further direct the OP to pay to the complainant a compensation of Rs.5000/- for the inconvenience, harassment and mental agony suffered by him. The OP shall also pay Rs.3000/- as cost of litigation. However, we make it clear that the OP can retain the amount which was payable for grant of a new connection generally at the relevant time. "

3. BEING aggrieved by the order of District Forum, respondent filed (First Appeal No.534 of 2007) before State Consumer Disputes Redressal Commission, Delhi (for short, "State Commission "). The State Commission vide impugned order dated 2.3.2012, upheld the order of District Forum with modification that only

refund of Rs.6,986/- charged on account of arrear shall not be paid by the O.P.

4. BEING aggrieved by the order of the State Commission, petitioner- Rakesh Pathak has filed the present revision petition (being L.R. of R.C.L. Pathak - deceased). We have heard the petitioner.

5. AFTER going through the record, it transpires that certified copy of the impugned order filed by the petitioner is incomplete, as page no.20 of the certified copy is missing, instead petitioner has made following note on page no.20 ; (NOTE by Appellant : This page is missing in judgment hence added, content taken from web site of Commission.)

6. THE above note has been signed as "true copy " and same has been inserted after page no.19 and before page no.21 of the certified copy of the impugned order. We fail to understand as to how page no.20 has gone missing from the impugned order. Under these circumstances, we direct that original record of State Commission be summoned within six weeks. Further, report be called from Registrar of the State Commission as to whether incomplete certified copy of impugned order was supplied to the petitioner and whether page no.20 of the impugned order is missing. List on 2nd August, 2013 for further proceedings.