

(2010) 04 NCDRC CK 0053

In the National Consumer Disputes Redressal Commission

RAM KISHAN

APPELLANT

Vs

State of Haryana Through Executive Engineer Rai Division

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Citation : 2010 0 NCDRC 40 : 2010 2 CPJ 282

Hon'ble Judges : R.C.Jain , Anupam Dasgupta J.

Final Decision : Revision petition is dismissed

Judgement

1. THIS revision petition assails the order dated 25.01.2010 in first appeal no. 675 of 2003 passed by the Haryana State Consumer Disputes Redressal Commission, Panchkula (in short, "the State Commission"). By this order, the State Commission accepted the appeal of the State of Haryana, set aside the order of the District Forum concerned, dismissed the complaint of the respondent complainant and also imposed a cost of Rs.2,000/- on the latter for having filed a false complaint.

2. WE have heard Shri Dharam Bir, authorised representative of the complainant and considered the evidence and material produced on record. The facts leading to the complaint and then the appeal have been discussed in detail in the impugned order of the State Commission and need not be repeated. The complaint before the District Forum related to alleged flooding of the complainant's agricultural fields due to leakage of irrigation water from the Ladpur minor canal as a result of which the complainant allegedly suffered loss of crop. On the other hand, it was the case of the State of Haryana (Irrigation Department, Rai Division) that the complainant had actually unauthorisedly drawn irrigation water from the said minor canal to irrigate his crop as a result of which he was, after inquiry, subjected to fine. Consequently, the complainant had engineered this fictitious complaint. The State of Haryana (opposite party " OP) produced before the Fora below records of crop sown on the complainant's fields in question in the rabi season of the year in which the fields were alleged to have been flooded. The OP was also able to demonstrate before the State Commission

that the initial crop entries for the relevant season in the village records concerning the complainant's fields made by the Patwari concerned were contrary to his subsequent report that the rabi crops sown by the complainant on his fields had been damaged by flooding from the minor canal. The latter report is clearly unreliable, as rightly held by the State Commission.

After careful consideration we find that the impugned order of the State Commission is based on proper appreciation of the documentary evidence on record and does not suffer from any illegality or material irregularity. As a result, the revision petition is dismissed in limine.