

**(1994) 10 NCDRC CK 0055**

**In the National Consumer Disputes Redressal Commission**

RAMESH PRASAD

APPELLANT

Vs

ASSISTANT ENGINEER M.P.E.B.

RESPONDENT

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**Date of Decision :** 03-10-1994

**Acts Referred:**

**Citation :** 1994 3 CPR 604 : 1995 1 CPC 132 : 1995 1 CPJ 488 : 1995 2 CLT 231

**Hon'ble Judges :** G.G.Sohani , M.L.Tiwari J.

**Final Decision :** Appeal allowed

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**Judgement**

1. THIS appeal is directed against the order dated 18-11-1994 passed by the District Consumer Disputes Redressal Forum, Khandwa in Complaint Case No. 101/93.

2. THE appellant had filed a complaint before the District Forum that he was being supplied electrical energy by the respondents, that his service connection was No. 1128, that he was regularizing paying bills in respect of supply of electricity but the supply of electrical energy to him was disconnected on the ground that arrears were due from him in respect of supply of electrical energy to his flour mill and to his mother. THE claim was resisted by the opponent. THE District Forum held that the complainant had also filed a civil suit and as payment was due in respect of other service connection disconnection supply of electricity at service No. 1128 was justified. In this view of the matter the complaint was dismissed. Aggrieved by this order the complainant has filed this appeal. At the time of hearing, learned Counsel for the appellant contended that the civil suit which had been filed earlier by the complainant was withdrawn during the pendency of the proceedings before the District Forum. A certified copy of the order passed on 5-8-1993 showing withdrawal of that suit was produced before us.

On merits we find that the case is governed by our decision in Appeal No. 85/94 (Janardan v. Junior Engineer, M.P.E.B.) decided on 7.9.1994. In that decision it has been held as follows:- "...if there are any arrears in respect of supply of electrical energy, then for noncompliance with the demand for payment of

arrears, the Electricity Board is empowered to disconnect that supply as provided by Section 24(1) of the Act. But that provision cannot be pressed into service for disconnecting supply of electrical energy to a consumer in respect of which no amount is due to the Board on account of that supply."

3. FOLLOWING the aforesaid decision it must be held that the action of the opponent in disconnecting supply of electrical energy to the complainant in respect of service connection No. 1128 was not justified. Consequently this appeal is allowed. The order dated 18-1-1994 passed by the District Consumer Disputes Redressal Forum, Khandwa is set-aside and the Opponent is directed to restore supply of electrical energy to the complainant in respect of service connection No. 1128 on or before 24th October, 1994. In the circumstances of the case parties shall bear their own costs of this appeal. Appeal allowed.