
(1996) 03 NCDRC CK 0007

In the National Consumer Disputes Redressal Commission

REMINGTON RAND OF INDIA LTD

APPELLANT

Vs

Pioneer Typewriter Co

RESPONDENT

Date of Decision : 14-03-1996

Acts Referred:

Citation : 1996 1 CPJ 317 : 1996 2 CPC 286 : 1996 2 CPR 112 : 1997 1 CLT 131

Hon'ble Judges : N.C.SHARMA , FIROZA BANO J.

Judgement

1. THIS appeal has been filed by the complainant against the order of the District Forum, Udaipur dated 24.8.92 dismissing his complaint.

2. THE complainant -appellant remained absent despite service of notice. We have, therefore, heard the learned Counsel for the opposite party -respondent and have perused the record of the District Forum. It cannot be disputed that where a consumer uses electricity sanctioned for domestic purposes for commercial purposes, it will be a malpractice as defined in Condition No. 29 -B of the General Conditions of Supply issued by the Rajasthan State Electricity Board. It is an admitted fact that the Meter Reader had made a report in the meter -reading record in May, 1989 that the complainant was using the domestic electricity for non -domestic purposes. It is thus clear that it came to the notice of the AEN, RSEB in May, 1989 that the complainant was committing malpractice. It was then the duty of the AEN was to inspect the premises of the complainant under Condition No. 29 -A of the General Conditions and if upon inspection he found that the consumer had committed the act of malpractice, disconnect the corinection of the consumer forcibly under Condition Nos. 29 -B of the General Conditions. Nothing of that sort was done by the AEN, RSEB, Udaipur. In the absence of that, no provisional assessment in respect of rhalpractice could be made under Condition No. 29.

3. WHAT actually happens is that these AEN of the RSEB do not faithfully discharge their duties and despite clear report of the Meter Reader of malpractice adopted by the consumer, they do not take the trouble at all of making inspection of the premises where the electric supply is given to the consumer and

do not verify whether the consumer was committing malpractice. They are just content by sitting in their offices. The audit party inspects the relevant record of the consumers of electricity and when the audit party notices after seeing the meterreading record that the Meter Reader had reported malpractice by a particular consumer which would have entitled the Electricity Board to disconnect the electricity connection and to a charge compensation from the consumer, and audit objection is raised as against the Department. It is an audit of the Department and not of the consumer. Faced with the report of the audit, the AEN of R.S.E.B., in order to save his own skin, after two years raises a demand upon the consumer for compensation due to the malpractice adopted by him. This is not at all permissible under law and is gross misuse of powers of the A.E.N, of the R.S.E.B. Rather he should pay from his pocket the loss suffered by the RSEB on account of his own negligence and inefficiency. The audit party never heard the consumer and had not passed any verdict against consumer. The verdict was passed against the department concerned.

4. WE have already stated that until and unless the premises are inspected by the competent officer and a memorandum of inspection is prepared as provided under Condition No. 29 -A that the consumer committed the act of malpractice and disconnection of electricity is made, no demand for compensation for that malpractice can be made. Nor an electricity connection which was sanctioned for residential purposes can unilaterally be changed by the official of the RSEB for a commercial purpose. The demand therefore perfectly illegal. We, therefore, allow this appeal, set aside the order of the District Forum, Udaipur dated 24.8.92 and award to the complainant -appellant a compensation of Rs. 3,000/- as against the opposite party respondent. Appeal allowed.