

(2003) 12 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

R.S.E.B

APPELLANT

Vs

TEJ SINGH

RESPONDENT

Date of Decision : 08-12-2003

Acts Referred:

Citation : 2004 3 CPJ 457

Hon'ble Judges : M.A.A.Khan , Sushma Tanwar J.

Advocate : R.K.Sharma , Purushottam Sharma

Judgement

1. BOTH these appeals between the same parties were heard together. These are now being disposed by this combined order.

2. SHRI Tej Singh, the complainant in both the appeals, is a senior citizen aged about 75 years. He is, admittedly, the consumer of the services of the Rajasthan State Electricity Board (RSEB) in respect to his electric connection for domestic purposes. His common grievance in his Complaint Nos. 2075 of 1998 (Appeal No. 159/2001) and 411/1999 (Appeal No. 307/2000) was in respect to the later receipt of the bills for the months of October, 1998 (Appeal No. 159/2001) and February, 1999 (Appeal No. 307/2000). His contention was that the said bills did not give clear 12 days to him to deposit the amounts mentioned therein and thus late delivery of the bills amounted to deficiency in service on the part of the RSEB, which is the sole supplier of electric energy in the State of Rajasthan. In both the complaints the District Forum held that late delivery of the bill, not giving clear 12 days for depositing the amount by the complainant, amounted to deficiency in service. But whereas the District Forum dismissed Complaint No. 2075/1998 (Appeal No. 159/2001) vide order dated 3.11.2000 on the ground that no damage was caused to the complainant by late delivery of the bill for October, 1998, it allowed complainant's Complaint No. 411/99 with cost at Rs. 500/- vide its order dated 3.1.2000. The complainant is, therefore, in appeal before us against the order of dismissal of his complaint and the RSEB is in appeal against the order of awarding costs to the complainant. Heard both the sides.

It is no doubt true the bills in question were received by the complainant with some delay not giving clear 12 days to him for depositing the amounts demanded thereby from him. Being a consumer of sufficiently advanced age he might have experienced some difficulty in depositing the bills by the due dates which had left 6 to 8 days for him to deposit the amounts demanded. But in both the cases it is noted that the bills were drawn in such a manner that they gave 12 days to the consumer to deposit the demanded amounts, if the period allowed to pay the dues is calculated from the dates of preparation of the bills and the due dates mentioned therein. Delivery of the bills might have been made to the complainant with a delay of 4 to 6 days. But delay by itself did not make him liable to pay any penalty for depositing the amounts late after the expiry of the due dates. Thus in both the cases, causing of damages to the consumer was not proved. Therefore, both the complaints should have been decided by the Forum in the same manner, which it did not.

3. IN the result, whereas Appeal No. 307/2000 by RSEB is allowed with cost on parties and the impugned order therein is set aside, Appeal No. 159 of 2001 by the complainant is dismissed with cost on parties. Ordered accordingly.