
(2002) 02 NCDRC CK 0054

In the National Consumer Disputes Redressal Commission

S. KULANDAIRAJAN

APPELLANT

Vs

NADU ELECTRICITY BOARD JUNIOR ENGINEER, RURAL/
NORTH, TAMIL

RESPONDENT

Date of Decision : 07-02-2002

Acts Referred:

Citation : 2002 2 CPC 607 : 2002 3 CLT 595 : 2002 3 CPJ 51 : 2002 3 CPR 43

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition allowed

Judgement

1. COMPLAINANT is the petitioner before us. Though he succeeded in his complaint against the Electricity Department opposite parties-respondents before the District Forum, on appeal filed by the respondents, order of the District Forum was set aside and complaint dismissed.

2. COMPLAINANT was having a domestic connection of electricity at his house under Tariff-I. He paid the necessary development charges for getting the connection. He rented out his property. The tenant wanted electricity for commercial purpose. Therefore, electric connection of the petitioner was changed from Tariff-I to Tariff-IX. It is stated that for conversion from Tariff-I to Tariff-IX Rs. 750/- is to be paid by way of deposit and Rs. 500/- to be paid per KW by way of development charges. Since the petitioner availed of 7 KW power he was required to pay development charges @ Rs. 500/- per KW amounting to Rs. 3,500/-. It is stated that by inadvertence these development charges were not claimed though electric connection was changed from Tariff-I to Tariff-IX. After the tenant left the premises intimation was sent to the respondents on 30.11.1995. Petitioner, therefore, wanted the connection back from Tariff-IX to Tariff-I. At this point of time respondents pointed out that earlier charges of Rs. 3,500/- had not been paid by the petitioner. It is not disputed that necessary charges for conversion from Tariff-I to Tariff-IX were paid. However, in the absence payment of difference in development charges i.e. Rs. 3,500-1,000/-, electric connection was not changed from Tariff-IX to Tariff-I. Complaining

deficiency in service for being charged at the commercial rate, petitioner went to the District Forum. Allowing the complaint, District Forum directed that service connection be changed from Tariff-I to Tariff-IX, Rs. 2,500/- required to be paid by the complainant towards developmental charges be waived and to pay the complainant the excess electrical current consumption charges quantified at Rs. 1,200/-. Further direction was to refund to the petitioner Rs. 450/- being the amount of charges already deposited. COMPLAINANT was awarded Rs. 500/- as costs. On appeal filed by the respondents, State Commission allowed the appeal and dismissed the complaint holding that there was no deficiency in service. We are afraid we are unable to agree with the approach of the State Commission. No doubt the amount of Rs. 2,500/- being difference in development charges for conversion from Tariff-I to Tariff-II was payable by the petitioner to the opposite parties, but that was no ground not to convert on his request electric connection from Tariff-IX to Tariff-I and he was billed all this period at the commercial rate. State Commission, was however, right that there was no justification for the District Forum to direct waiver of Rs. 2,500/- as aforesaid which are payable by the complainant. We, therefore, modify the order of the State Commission and we direct as under : (i) Petitioner shall pay Rs. 2,500/- as difference in development charges. (ii) Respondents shall calculate the difference in commercial and domestic rates of electricity from 1.12.1995 till the time conversion was made from Tariff-IX to Tariff-I. If on balancing of these two figures any amount is paid by any of the parties, the petitioner shall pay the same along with the next electricity bill and that amount shall be indicated by the respondent and in case it is the department which is to pay, then that amount shall be adjusted in the future bill of the electricity payable by the petitioner. (iii) In view of this matter, directions given by the District Forum for payment of Rs. 1,200/- as the excess amount of electricity charges and the amount of Rs. 450/- as the deposit charges shall stand set aside. With the above modifications, this petition is allowed. Since nobody appears for the petitioner, there will be no order as to costs.

Revision Petition allowed.