

(2004) 11 NCDRC CK 0009

In the National Consumer Disputes Redressal Commission

Sanjeev Walia

APPELLANT

Vs

Municipal Corporation

RESPONDENT

Date of Decision : 01-11-2004

Acts Referred:

Citation : 2005 2 CPJ 697

Hon'ble Judges : K.K.Srivastava , MajGenS.P.Kapoor J.

Final Decision : Appeal disposed of

Judgement

1. -THE sole grievance of the appellant about the impugned judgment and order dated 11.8.2004 passed by the District Consumer Disputes Redressal Forum-II, U.T., Chandigarh (for short hereinafter to be referred as District Forum) in Complaint Case No. 416 of 2003 is that in the operative portion the District Forum wrongly fixed the period from 1.1.2002 to 17.12.2002 regarding the non-justification of the respondents in billing the complainant for water charges on commercial basis.

2. ACCORDING to Mr. Sanjeev Walia, Advocate, appellant, the relevant date will not be 17.12.2002 but instead it would be the date with effect from which his water charges were billed on domestic basis. Mr. Sanjeev Walia during the course of arguments showed original bills, which he received subsequently showing that the water charges on commercial tariff were filled against him up to 31.12.2003 as the bill about two months of January and February, 2004 have been calculated on domestic basis at Code No. 01 as distinct from commercial basis Code No. 07. The bill for the period upto 31.12.2003 clearly shows that the charges were worked out under Code 07 i.e., commercial basis. It may be mentioned that some amount has been shown as refunded, which according to Ms. Deepali Puri, Advocate assisted by Mr. Surinder Kumar, Junior Engineer appearing on behalf of the respondents is the amount worked out under the impugned order of the District Forum up to 18.12.2002 only. It is thus not disputed now that the respondents submitted bills for consumption of water charges to the appellant on commercial basis under Code 07 up to 31.12.2003. There is thus considerable

merit in the argument of Mr. Sanjeev Walia, Advocate that the date of 17.12.2002 mentioned in the impugned judgment and order has no rational basis and is not supported by any evidence on record and is rather based on an impression on the basis of the general instructions printed regarding the revision of the tariff w.e.f. 18.12.2002.

Resultantly, the appeal is allowed. The impugned judgment and order is modified to the extent that the date up to which the adjustment of the payment is to be given to the appellant shall be 31.12.2003 and not 17.12.2002. In other words, the direction issued by the District Forum would read after modification as under: "Therefore, the O.Ps. are directed to refund to the complainant the difference of the water charges of the complainant between those calculated on commercial basis and those calculated on domestic basis for the period from 1.1.2002 to 31.12.2003."

3. THE other part of the impugned judgment and order is affirmed. THE respondents shall be at liberty to adjust any amount from the amount so worked out towards difference, which has already been paid, if any, to the appellant. THE appeal is disposed of accordingly. Copies of this order be sent to the parties free of charge. Appeal disposed of.