
(2000) 02 NCDRC CK 0040

In the National Consumer Disputes Redressal Commission

SAT PAJ JAIN

APPELLANT

Vs

ENGINEERING DEPARTMENT, ELECTRICITY WING

RESPONDENT

Date of Decision : 21-02-2000

Acts Referred:

Citation : 2000 2 CPC 184 : 2000 2 CPJ 497 : 2000 2 CPR 435

Hon'ble Judges : J.B.Garg , P.K.Vasudeva , Devinderjit Dhatt J.

Final Decision : Appeal dismissed

Judgement

1. ON a complaint filed by Shri Sat Pal Jain of Chandigarh with regard to electricity bills of Show Room No. 46 of Sector 26, Chandigarh, the District Forum-II, Chandigarh held that the bill of Rs. 1,34,608.19 Ps. served on the complainant was not in accordance with the consumption of electricity made at the premises, because a part thereof remained unoccupied. The aforesaid bill was struck down because the electric meter also remained defective for some time and it was ordered that the amount realised shall be refunded to the consumer. At the same time, it was ordered that the electricity department could take up re-framing of the bill in question mainly in accordance with the Instruction No. 115 of the Sales Manual, Fourth Edition, (Revised upto 31.12.1991) of Punjab State Electricity Board (Annexure R-II). It also awarded costs Rs. 550/-. The dissatisfied consumer has attempted the present appeal and claimed that he should be allowed interest at the rate of 18% p.a. on the payment made by him and that the costs awarded were also on the lower side and it may be enhanced to Rs. 5,000/-.

2. IT shall be useful to refer to para No. 1 of the complaint and it is reproduced as under : "1. That the complainants are the owners of the above said premises (Showroom No. 46, Sector 26). The said premises remained unoccupied and vacant from 1991 onwards till the first and second floors were taken on rent by our present tenants, M/s. Steel Strips (Proforma O.P. No. 3) in 1993 and 1995 respectively." A perusal thereof shows that the complainant has not mentioned in the complaint as to from which date or month, the premises remained

unoccupied in 1991 and as to on what date or month of 1993 and 1995, the tenants were inducted.

We have perused the letters, Annexures C/2 and C/3. Even if the tenants spent six months for renovating and repairing the premises a perusal of the reply filed by the respondent in the District Forum indicates that in the show room in question, there were Centralised Air Conditioner, Roof Ducting, False Ceiling and wooden partitions. It has also been pleaded that there was a common electricity meter. It cannot be said that no electricity was consumed during the aforesaid period of six months. It appears that against the demand of Rs. 1,34,608.19 Ps. the consumer had not deposited the entire amount and the proceedings held on 14.1.1999 in District Forum-II indicate that a sum of Rs. 80,000/- was deposited. Thus till the decision announced by the District Forum-II, it was not ascertained as to what was the actual excess amount deposited by the consumer and their tenants.

3. HOWEVER we find that the Electricity Department has not come forward in any cross-appeal. After considering all these facts, we hold that there is no justification for grant of interest or special costs and the appeal is hereby dismissed. Appeal dismissed.