

(2004) 10 NCDRC CK 0022

In the National Consumer Disputes Redressal Commission

S.C. Jain

APPELLANT

Vs

NORTH-NORTH WEST DISTRIBUTION CO. LTD.

RESPONDENT

Date of Decision : 19-10-2004

Acts Referred:

Citation : 2005 1 CPJ 588

Hon'ble Judges : J.D.Kapoor , Mahesh Chandra , Rumnita Mittal J.

Final Decision : Appeal disposed of

Judgement

1. FEELING aggrieved of the order dated 9.1.2002 whereby the complaint of the appellant seeking compensation for mental agony and harassment in the hands of the respondent in not providing electricity connection in spite of having received the requisite amount for installation of meter and providing connection was dismissed, the appellant has preferred this appeal.

2. FACTS in short are that the appellant applied for a new domestic electricity connection against property No. 29, Srinagar Colony, Delhi-52 in the month of August, 2000. However, on inspection by the officials of the respondent it was found that there was no dwelling unit and nobody was residing there though a pucca boundary wall and tin shed was there. The application of the appellant for the electricity connection was dismissed by the respondent undertaking on the ground that the electricity connection is given only in respect of premises being used for bona fide residential purposes. However, the grievance of the appellant is that the District Forum has not taken into consideration the ration card, bond paper, affidavit and one form which are necessary documents for obtaining the electricity connection. As against this the Counsel for the respondent contended that the respondent has never given any electricity connection in respect of the premises, which are not being used for bona fide residential purposes and even otherwise no person who is not entitled to ration card is entitled to electricity connection. It is after the taking over of the undertaking by the private company that the rules has been liberalised to the extent that the electricity can be installed in any premises, kuchha or tin shed.

The perusal of the impugned order shows that the District Forum has not referred to the documents which were furnished by the appellant and not taken into consideration the aforesaid documents produced by the respondent particularly the ration card and, therefore, we feel inclined to allow the appeal, set aside the impugned order with the directions to decide the matter afresh after taking into consideration the documents and evidence produced by the appellant and determine whether the appellant was entitled for ration card from the Govt. of NCT or was holding a ration card in respect of the premises in question.

3. PARTIES are directed to appear before the District Forum on 18.11.2004 for the aforesaid purpose. A copy of this order as per the statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room. Appeal disposed of.