

(2000) 05 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

SECRETARY, RSEB THROUGH ASSTT. ENGINEER (VIGILANCE)	APPELLANT
Vs	
VILAYATI RAM	RESPONDENT

Date of Decision : 11-05-2000

Acts Referred:

Citation : 2001 3 CPJ 152

Hon'ble Judges : J.R.Chopra , Ratan Prakash J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order of the District Forum, Sriganaganagar dated 8.7.1998 whereby a bill of additional charges amounting to Rs. 7,024/- issued to Sh. Vilayati Ram complainant has been quashed.

2. FACTS necessary to be noticed for the disposal of this appeal briefly stated are that Sh. Vilayati Ram has taken a 20 H.P. industrial/non-domestic connection for running his small industry. He has paid all dues upto February, 1998. However, in the month of March, 1998 he was issued a bill of Rs. 8,870/- which included a sum of Rs. 7,024/- which was issued to him on the ground that one more connection in the same premises has been taken in the name of his son's wife, for which a notice was issued to the connection-holder to get this connection clubbed but they did not comply with this notice and hence this demand by clubbing the load has been issued in the name of Vilayati Ram. We have perused the Circular issued by the RSEB on 10.9.1997 whereby Sub-clause (c) of Clause 5 of the General Conditions of Supply has been amended. It says that two industrial connection should not be permitted in the same premises in the name of the same person. If he wants he can request for the increase of the load but he should not be granted two industrial connections in the same premises. In this case the second connection was applied for by the son's wife of Vilayati Ram and was fixed in the same premises. Firstly such a connection should not have been granted. A proper inspection should have been made and if it was found that the second connection is being taken in the same premises in which Sh. Vilayati Ram is running his industry and if it is to be utilised for that very industry

then such a connection should not have been sanctioned. Be that as it may Sub-clause (4) of Clause (c) of Condition 5 specifically provides as under : "4. In cases where more than one industrial/non-domestic connections are running in the same premises in same or different names and the work is carried out by one concern/proprietor or if there are some common partners in the two firms, a notice of one month shall be issued to the consumer requesting him to get the loads clubbed and getting it changed into one connection in one name. If the consumer fails to comply with the notice, his connection is liable to be disconnected after expiry of notice period. If on clubbing the total connected load exceed 60 HP in case of Industrial category or 50 KW in case of non-domestic category, the supply for clubbed connection shall be given at 11 KV or higher voltage. Obviously, the consumer would be required to provide his own distribution transformer. If he has any problem the Board could provide the facility in such cases for which transformer rent @ 3% per month of the prevailing market cost of new transformer shall be charged from the consumer."

According to this Sub-clause (4) of Clause (c) of Condition 5 when two industrial connections are released in the name of two different persons and on an inspection it is found that they are installed in the same premises and are being utilised for the same concern then a notice has to be issued to the later consumer to get that load clubbed with the original consumer who has taken earlier industrial connection. Even if the clubbed load of the two connections takes it out of the small scale industrial connection and converts it to middle scale industrial connection the only remedy provided in Sub-clause (4) of Clause (c) of Condition 5 of the General Conditions of Supply of the RSEB is that a notice has to be given of one month for this connection to be clubbed with the original connection and if the second consumer does not comply with this order his small industrial electric connection for running the small scale industry is liable to be disconnected. In this case notice has been given and if the son's wife of Vilayati Ram has not complied with this notice of the RSEB, the only remedy available to the RSEB was to disconnect the connection granted in favour of son's wife of Vilayati Ram i.e. Smt. Neeru Rani w/o Tarsem Lal. It does not authorise the RSEB to club the two connections at its sweet will and then issue a revised bill for additional charges to Sh. Vilayati Ram on the basis of the connected load having come in the arena of the middle scale industrial connection and, therefore, the order of the District Forum, Sriganaganagar dated 8.7.1998 needs no interference. Therefore, the appeal has no force and it is hereby dismissed. The costs of the appeal will be easy. Appeal dismissed.