

(2008) 05 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

SHANKARLAL LILADHAR BHUTADA

APPELLANT

Vs

Maharashtra State Electricity Board

RESPONDENT

Date of Decision : 16-05-2008

Acts Referred:

Citation : 2008 3 CPJ 170

Hon'ble Judges : R.C.Jain , P.D.Shenoy J.

Final Decision : Revision Petition dismissed

Judgement

1. -THIS is a revision petition filed with the delay of 357 days against the order of the State Commission dated 16. 8. 2006 whereby the State Commission has dismissed the appeal filed by the complainant Shankarlal Liladhar Bhutada and had allowed the appeal filed by Maharashtra State Electricity Board (hereinafter referred to as MSEB) against the same order of the District Consumer Forum, Buldhana in Complaint No. 132/2005 on merits.

2. CASE of the complainant in brief is that the complainant owned three Hectares and 63 ars of land in village Shegaon, District Buldana and during the year 2005 he had raised vegetables, onion and melon in his land by utilizing water from a river Purna with the permission of the Government using an electric pump. As the MSEB discontinued the electric supply without intimating him he suffered a loss of Rs. 1 lakh. MSEB contested the case stating that they had disconnected power as per the directions issued by the Tehsildar as there was a severe scarcity of drinking water. The District Forum after hearing the parties held that MSEB to be deficient in service and awarded Rs. 17,500 to the complainant by way of compensation.

Aggrieved by the said order the complainant filed an appeal No. 2346 of 2005 for enhancement of compensation whereas the MSEB filed an Appeal No. 2369 of 05 for dismissing the complaint and setting aside the order of the District Forum. Hence this revision petition is filed with the delay of nearly one year by the petitioner, as mentioned above. The petitioner has filed an application for condonation of delay stating that the appellant was suffering from the disease of

recurrent Aphthous ulcers and Asymptomatic HBV infection since May 2005 and is also suffering from respiratory problems for which he has been taking treatment from the doctors which required medical check up from time-to-time and various pathological tests.

3. THE appeal was filed before the State Commission by the petitioner on 19. 11. 2005, six months after the period he was already suffering from the disease. It is not the case of the petitioner he was hospitalized for a prolonged period due to the disease he was suffering from. In fact the medical certificate issued in October, 2007 of Dr. Vishal shows that he was under domiciliary treatment only. Hence, the reasons given by the complainant are not convincing. Further, on merits, the MSEB acted only on the direction of the Tehsildar who is a Taluka Magistrate to discontinue electric supply for use of water for irrigation purpose as there were reports of acute shortage of drinking water. It is also seen from the record that the Junior Engineer of MSEB tried to intimate the villagers and obtain their signatures and as the petitioner was absent from the village notice could not be served on him. The State Commission in its well-reasoned order has mentioned the disconnection of electric supply was unavoidable because of the order of the Government, as the public demand for drinking water is supreme, compared to the individual demand for irrigation. We are in full agreement with the view expressed by the State Commission. Accordingly, this revision petition is dismissed as it is time-barred and also on merits. There shall be no order as to costs. Revision Petition dismissed.