

(2003) 09 NCDRC CK 0089

In the National Consumer Disputes Redressal Commission

S.JAFFER ALI

APPELLANT

Vs

COMMISSIONER, TIRUNELVELI CITY MUNICIPAL CORPN

RESPONDENT

Date of Decision : 16-09-2003

Acts Referred:

Citation : 2003 2 CPC 536 : 2003 3 CLT 522 : 2003 3 CPR 76 : 2003 4 CPJ 36 :
2003 4 CPJ 97

Hon'ble Judges : K.S.Gupta , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. IN this revision, challenge is to the order dated 7.8.2002 of State Consumer Disputes Redressal Commission, Chennai allowing appeal against the order dated 30.5.2001 of a District Forum whereby Tirunelveli City Municipal Corporation - opposite party/respondent was directed to provide water connection to the petitioner and to pay compensation.

2. IN the complaint, the petitioner alleged that he applied for water connection to his house on 7.1.1997 and paid Rs. 25/- as registration fee. Vide letter dated 6.3.1997, the respondent expressed its inability to provide water connection as there was no sufficient pressure. Thereafter, number of letters were exchanged between the parties. Ultimately, the respondent decided to provide water connection to the petitioner and all other resident in the area who might apply on their making payment of Rs. 5,000/- each for the drainage system undertaken by the respondent. The petitioner did not deposit that amount and filed complaint before the District Forum. IN the written version it was alleged by the respondent that Bell Employees Colony came into existence only in 1997. Under the new Scheme which came into force only in 2001 by passing Resolution No. 272 dated 30.9.1999. It was decided to give water supply connection to all the applicants wanting water supply connection on depositing amount of Rs. 5,000/- for the drainage system. The respondent is ready to provide water connection to the petitioner if he pays that amount. Aforesaid order of State Commission (copy at pp. 1-25) would show that the appeal filed by Municipal Corporation -

respondent was accepted holding that giving of connection of water supply for domestic consumption is a statutory function exercisable by the Commissioner of the respondent-Corporation and the same could not be construed as "service" for "consideration" within the meaning of Section 2(1)(o) of the Consumer Protection Act, 1986 (for short the Act). IN recording this finding, the State Commission took note of the provisions contained in Coimbatore City Municipal Corporation Act, 1981 as also catena of decisions referred to in the order itself. Having heard Mr. Yogesh Khanna for petitioner, we do not find any illegality or jurisdictional error in the impugned order warranting interference in revisional jurisdiction under Section 21(b) of the Act. Revision Petition is, therefore, dismissed. Revision Petition dismissed.