

(2003) 08 NCDRC CK 0084

In the National Consumer Disputes Redressal Commission

SUB DIVISIONAL OFFICER

APPELLANT

Vs

Sarpanch, Gram Panchayat

RESPONDENT

Date of Decision : 21-08-2003

Acts Referred:

Citation : 2004 2 CPJ 700

Hon'ble Judges : H.S.Brar , C.P.Budhiraja , Jasbir Kapoor J.

Final Decision : Appeal dismissed

Judgement

1. IT is an appeal against the order dated 3.1.2001 of District Consumer Disputes Redressal Forum, Gurdaspur (hereinafter called the District Forum).

2. BRIEF facts stated in the complaint are that the appellant/opposite parties (hereinafter called the opposite parties), namely, P.S.E.B. had floated a regular supply of electricity to the villages scheme, i.e. 24 hours electricity supply scheme. Under this scheme, any village which deposited Rs. 10,000/- with the P.S.E.B. was entitled to be covered under this scheme for the supply of regular electric supply round-the-clock. Gram Panchayat, Village Mirza Jan had completed all formalities, executed the requisite documents and deposited Rs. 10,000/- with the P.S.E.B. vide receipt No. 47/37466 dated 19.8.1997 in accordance with the instructions of the Board. In spite of this, the opposite parties did not start supplying regular electric energy to village Mirza Jan round-the-clock. On inquiries having been made by the Sarpanch of village Mirza Jan, she came to know that such a facility had been provided to Village Dalam Nangal although it had deposited the requisite amount of Rs. 10,000/- with the opposite party only on 28.8.1997. It was alleged in the complaint that village Mirza Jan was at the priority No. 7 and Kotli Surat Mali was at priority No. 8 in the list of the villages to which the electricity on regular basis was to be supplied. Although another village Khera Sultan, which stood at priority No. 11, had deposited Rs. 10,000/- only on 4.2.1998, but the regular round-the-clock electricity supply had been released to it long ago, whereas the round-the-clock supply of electricity was not released to the complainants village Mirza Jan despite their better

priority ranking and the fact that they had deposited Rs. 10,000/- with the Board much earlier than the above mentioned three villages. It was further alleged in the complaint that this practice had been practised by the opposite party on political considerations. Ultimately, a prayer was made to the District Forum for issuing a direction to the opposite parties to release the round-the-clock regular supply to complainants village Mirza Jan and to deal with the opposite parties under the provisions of the Consumer Protection Act, 1986. In their written statement, the opposite parties had admitted that the complainant had deposited Rs. 10,000/- for the regular supply of electricity to village Mirza Jan on 19.8.1997 and that the priority of that village was at Serial No. 7. However, it was pleaded that the priority of villages Nangal, Dalam and Khera Sultan was at serial Nos. 5, 8 and 11, respectively. This scheme had been issued by the Additional S.E., P.D. & S.I. Cell, Jalandhar, code number of which was 3228. Under this scheme, the villages are to be connected with 24 hours electricity supply continuously. The villages Kotli Surat Mal and Dhianpur were connected with 24 hours supply under the order of A.E. Operation, (Construction Division) Unit No. 1. According to his instructions, a village which is near to Dhianpur was to be connected, because it would entail less expenses and take shorter time. Thereafter, village Khera Sultan was connected with village Dhianpur for 24 hours electricity supply, because it was near to village Dhianpur. The connection of village Khera Sultan had been given under letter No. 454, dated 18.3.1998 issued by Sh. Anil Kumar Sharma, Engineer, Kotli Surat Mali. The estimate was prepared and sanctioned by the Additional S.E., P.S.E.B., Sub-urban Sub-Division, Batala vide estimate No. 93057 dated 19.4.1999 amounting to Rs. 3,49,978/- and the work was completed in village Khera Sultan. Similar work in villages Nangal and Dalam had been completed by the A.E. Operation, Construction Division, PSEB, Gurdaspur. Ultimately, prayer for the dismissal of the complaint was made on the ground that it was vague and there was no deficiency in service on the part of the opposite parties.

After hearing the Counsels for the parties, the District Forum allowed the complaint.

3. HENCE this appeal. We have heard Counsel for the appellant and have also gone through the order of the District Forum as well as the record of the case with his help.

4. WE do not find any infirmity in the order of the District Forum. From a perusal of the record, it is clear that it was admitted by the opposite parties that the priority number of village Mirza Jan was higher in priority than villages Dalam-Nangal, Khera Sultan and Kotli Surat Mali. It was also admitted that village Mirza Jan had deposited Rs. 10,000/- with the opposite parties much earlier than the villages named above. The stand of the opposite parties was that since other villages were nearer to village Dhianpur, so they were connected for 24 hours electricity supply because it entailed less expenses and shorter time. However, the instructions of the P.S.E.B. on this point were neither pleaded nor proved

before the District Forum. When village Mirza Jan was higher in the priority number as it had deposited Rs. 10,000/- prior to the other villages which had been given the 24 hours supply, the opposite parties should have given electricity supply to the complainants village in a similar fashion. It has rightly been held by the District Forum that the fact that other villages named above which were lower in priority ranking and which had deposited Rs. 10,000/- each much after the date of deposit by the complainant, had been given round-the-clock electric supply while village Mirza Jan had not been released such a supply, was suggestive of discrimination against the complainants village and hence it amounted to deficiency in service. Learned Counsel for the appellant has now argued before us that the opposite parties had written to the complainant to produce some record and to fulfill certain conditions and only thereafter they would be provided round-the-clock electric supply. We have gone through the records and records of the District Forum had also been shown to the learned Counsel for the appellants. We do not find any such evidence on the file of the District Forum at all. In these circumstances, the order of the District Forum is affirmed and the appeal is dismissed, however, without any order as to costs. Appeal dismissed.